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BACKGROUND PAPER

RESEARCH ON COMPLIANCE WITH CHILD SUPPORT ORDERS AND AGREEMENTS IN PRINCE EDWARD ISLAND

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Research on Compliance with Child Support Orders and Agreements in Prince Edward Island

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EXECUTIVE SUMMARY

In 1996 the Department of Justice Canada was given a five-year mandate under the federal government's Child Support Initiative to undertake a number of activities relating to child support. One of the activities decided upon was a research strategy to investigate the factors that influence compliance and non-compliance with child support orders and agreements.

In early 1999, the first project under the research strategy on compliance and default began in Prince Edward Island. The project was conceived as an analysis of compliance in Prince Edward Island, and a test to help assess the methodologies for studying compliance in other provinces. Ultimately, the objective was to collect and analyze sufficient information to provide a national perspective on compliance with child support orders.

The research was designed to be exploratory in nature and did not set out to test a set of specific hypotheses. It was recognized in the research design that the decisions parents make about paying child support are often based on complex circumstances, attitudes and inter-personal relationships. Research in the area was determined, through a prior literature review, to be relatively new, particularly in Canada but in other countries as well. Many questions have yet to be adequately explored as to what factors may influence compliance. More complex still will be the exploration of the interrelationships of these factors for paying parents of child support. In addition, it is understood that perspectives on the payment of child support may change over time, as the time since separation increases or as circumstances such as new relationships or new employment situations come about.

In the context of these complexities and the narrow base of existing research, the scope of this project was limited. We set out in P.E.I. to test a range of research methods, and to identify factors that appear to influence compliance with child support orders and agreements. To the extent that the numbers of cases involved in the research allowed, we hoped to identify some factors that appear to be most strongly influential, and to learn more about how to examine those particular factors in more detail in the larger compliance project of which the P.E.I. study is a first stage. We also hoped to lay the groundwork so that the research in other provinces, with larger numbers of interviews to work with, will be able to explore how the key determining factors interact with each other over time. Ultimately, it is hoped that the overall study will be able to identify some "paying parent profiles" that incorporate categories of support payment records and key factors influencing compliance.

The research in P.E.I. combined several methodologies. First, information was extracted from a sample of cases registered at the province's Maintenance Enforcement Program (MEP). That information included some demographic characteristics of the paying parents and recipients of child support, information about the child support order or agreement that was the basis for the child support expected to be paid, and a detailed accounting of the actual payment of child support, from 1990 to the research period in March 1999 (or until the case had been closed). The main purpose of this element of the research was to examine patterns of compliance and default, and to categorize paying parents according to their payment histories. The second main research element was interviews with paying parents and recipients of child support. A sample of 130 people were interviewed, including 51 paying parents and 79 recipients. In 31 cases, both

parents in the same case were interviewed. The interviews ranged in duration from 45 minutes to two hours, and explored a wide range of issues believed to potentially have a bearing on child support compliance, including: pre- and post-separation relationships and child care; the process of separation; decisions about where the children would live, visitation by the non-resident parent, and child support; and the parents' experience with legal and other government institutions.

The third main element of the research was interviews with family law lawyers, judges, court workers, mediators, court-appointed social workers and maintenance enforcement officers. These interviews were designed to ensure that the researchers understood the formal structures that may come into play in P.E.I. when parents with children separate, and to benefit from the experience of people who work with these parents on a regular basis in seeking to understand the factors that may influence compliance and default.

Findings from these three key research elements were analyzed together, and the findings are presented in two chapters: the first focussing on compliance patterns; and the second examining the factors influencing compliance with child support.

Data on compliance patterns showed that while the majority of child support amounts are in the smaller range (two-thirds are $300 a month or lower, and 43 percent are $200 a month or lower), support is not forthcoming on a regular basis in three-quarters of the cases, and in about 42 percent of cases there are significant default problems. Our two primary measures of compliance—the frequency with which monthly obligations are paid in full and on-time, and the percentage of total obligations paid—indicate that the problems with compliance are complex and vary greatly in nature. A substantial number of paying parents pay in full and on-time every month. Some pay in full for extended periods, miss a number of months, and then resume payments and gradually pay off the arrears. Some paying parents pay at least some amount all or most months, but frequently pay less than what they are obliged to pay. Some pay very sporadically and in amounts not clearly tied to their monthly obligations. The degree of variation in payment patterns suggests that a host of factors influences whether or not support obligations are met, and that in individual cases compliance may be tied to a single predominant factor or some combination of factors.

The analysis of MEP case files also provides us with information about the enforcement strategies used by the MEP, and some information about the resulting payment behaviour. However, it is clear from this analysis, and from the researchers' detailed review of the MEP files, that it is not possible to obtain an accurate picture of the relationship between specific enforcement measures and resumptions in payments, and it is unwise to assume a "cause and effect" relationship, even when a resumption in payment follows closely after the initiation of a specific enforcement action. There may well be some enforcement measures that work better than others, and enforcement strategies that prove to be more effective overall. Our analysis thus far suggests that in order to identify those "best practices" in the enforcement of child support orders, it will be necessary to examine a sample of specific cases in detail.

Analysis of the MEP case file data was a first step; it indicated the extent of the problem with non-compliance and indicated, by the wide range of payment patterns, the complexities in understanding why some paying parents pay support regularly and in full and others do not. Our

analysis of the interviews with paying and recipient parents, and the linking of those interviews to actual payment patterns, allowed us to test the broad premise that compliance and non-compliance with child support orders are influenced by factors beyond just the ability to pay, and are related more to willingness to pay. We also sought to identify those "willingness to pay" factors that appeared to be most strongly determinant, in themselves, of compliance or non-compliance. Key findings in this regard included the following:

- Data from the interviews and case file data support the broad premise that "willingness to pay" factors can be an important influence on compliance. The lawyers, judges, social workers, court workers and MEP officers interviewed supported this premise strongly, suggesting in fact that "willingness to pay" issues are much more likely to influence compliance given that child support obligations are determined on the basis of ability to pay.

- Recipients of child support who had had difficulties with non-compliance by their former partners, when asked why they thought support was not paid, identified predominantly "willingness to pay" factors. On the other hand, paying parents explained missing payments primarily by "ability to pay" factors, but some also identified "willingness to pay" reasons.

- The nature of child support orders and agreements appear to be important factors in compliance. Where a parenting arrangement includes shared residence with the children, compliance appears to be higher. If a formal arrangement is in place for visitation, compliance is marginally higher, but the amount of actual contact appears more important.

- Where arrangements for parenting are made through an agreement rather than a court order, compliance is more likely to occur. An important caveat to this finding is that when the immediate post-separation arrangements are made by an agreement, it is often an implicit one in which issues have not been discussed adequately or at all. It is often a case of one parent (usually the paying parent) leaving the family home without any substantial discussion having taken place between the parents about shared parenting or child support. In these cases, there is a greater risk of low compliance.

- Larger child support amounts are more likely to be paid than lower support amounts. However, substantial numbers of paying parents with higher obligations still fall into the "moderate" or "low" compliance categories.

- Our ability to assess the quality of the pre-separation relationship between paying parents and their children was limited, but by the measures used here the quality of that relationship did not appear to be an important factor in compliance. The post-separation relationship, however, did appear to be important. Paying parents who reside with their children some of the time, or at least see their children very regularly and often and participate in their care and essential activities, are more likely than others to comply with child support obligations.

- The fact that some parents had been married or living in common law, while others had had more casual relationships, did not appear to influence compliance. Some paying parents who had never seen their child and were no longer in touch with the recipient parent still paid regularly and in full, while many who had been married for years did not.

- Longstanding pre-separation relationships appeared to show results at the extremes: they were more likely than others to pay regularly and in full, but also more likely to have low compliance records.

- General characterizations of the post-separation relationship between the parents did not help in predicting compliance. Relationships described as hostile or tense were as likely to be in compliance as those described as friendly.

- Issues concerning money or access to the children by the paying parent, even though they were raised as problems in some cases, did not correlate to compliance or non-compliance. However, when child-rearing issues were raised (for example, disagreements as to what the children should or should not be allowed to do, or the kind of environment they were being brought up in), there was a clear link. Paying parents with strong concerns about the child-rearing practices of the recipient parent were more likely to be in default.

- The data showed a clear link between the amount of time that had passed since separation and compliance levels. As time since separation increases, compliance decreases. This factor is related to others reported above about the amount of time spent with the children by the paying parent. As well, the emergence of new relationships can have an impact. When the paying parent enters a new relationship, compliance tends to increase, whereas when the recipient enters a new relationship, compliance tends to decrease.

In this study the above-described factors were discussed in the context of their possible interrelatedness, but because of the limited number of interviews we had to work with, it was not possible to conduct a more detailed analysis of the relative strength of some of the relationships, and of how these factors may interact at any given time and as time passes. The goal of the compliance research project, of which the P.E.I. study was a first step, will be to explore these factors in more depth to see how they interrelate. To the extent possible, research in other provinces will seek to identify some profiles of paying parents that incorporate their compliance records and the factors that appear to work together to influence compliance.

We have succeeded as a first step, however, in supporting the general view that compliance with child support is often a decision, rather than a question of ability to pay, and in highlighting some of the factors that appear to be most influential in the decision that paying parents make about whether or not to comply with their child support obligations.

1. INTRODUCTION

In 1996 the Department of Justice Canada was given a five-year mandate under the federal government's Child Support Initiative to undertake a number of activities relating to child support. These included amending the *Divorce Act* to introduce child support guidelines; strengthening child support enforcement procedures; improving public awareness and understanding of family support obligations; implementing a cooperative education program for justice officials, service providers and the general public; providing financial assistance to the provinces and territories to implement services to assist parents in obtaining child support orders and to enhance enforcement efforts; and conducting research to monitor the impacts of the child support guidelines. In May 1998, the department produced a discussion paper proposing a framework for the conduct of research relating to child support.[1] One of the proposals was to develop and implement a research strategy to investigate the factors that influence compliance and non-compliance with child support orders and agreements.

In September 1998, the department produced a framework for this strategy that outlined the relevant policy issues and reviewed existing research. It assessed the range of research that would contribute to the advancement of knowledge in key policy areas relating to compliance with child support, and put forward alternative strategies for a research program.[2]

In early 1999, the first project under the research program on compliance and default began in Prince Edward Island. The project was conceived as both an analysis of compliance in the province, and a pilot test to help assess the methodologies for studying compliance in other provinces. Ultimately, the objective is to collect and analyze sufficient information to provide a national perspective on compliance with child support orders. The purposes of the P.E.I. component were:

- to test the research strategy itself, in order to make recommendations for similar research in other jurisdictions;

- to identify and analyze detailed patterns of compliance and non-compliance among non-custodial parents registered with the Maintenance Enforcement Program (MEP) in Prince Edward Island;

- to identify and analyze factors that may influence compliance and non-compliance, including those relating to pre- and post-separation family relationships and parental roles, post-separation arrangements to care for the children, experiences with the legal and social service "systems" (including the MEP), enforcement measures by the MEP, income and employment factors, and any other factors that emerged from the research; and,

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[1] See Department of Justice Canada internal document, *Child Support Initiative Research Framework Discussion Paper*, Research Report CSR-1998-1B, May 1998;

[2] Alderson-Gill & Associates Consulting Inc., *Research Strategy for Studying Compliance/Default on Child Support Orders*, Department of Justice Canada, September 1998.

- to document and assess the potential impact on compliance of the processes involved for parents in P.E.I. who decide to separate, including legal procedures, legal and social service programs available in the community, and dealings with the MEP.

The research was designed to be exploratory and did not set out to test a set of specific hypotheses. It was recognized in the research design that the decisions parents make about paying child support are often based on complex circumstances, attitudes and inter-personal relationships. Research in the area was determined, through a prior literature review, to be relatively new, particularly in Canada but in other countries as well. Many questions have yet to be adequately explored as to what factors may influence compliance. More complex still will be the exploration of the interrelationships of these factors for paying parents of child support. In addition, it is understood that perspectives on the payment of child support may change over time, as the time since separation increases or as circumstances such as new relationships or new employment situations come about.

In the context of these complexities and the narrow base of existing research, the scope of this project is limited. We set out in P.E.I. to test a range of research methods, and to identify the factors related to "willingness to pay" (as opposed to "ability to pay") child support that appear to influence compliance with child support orders and agreements. To the extent that the numbers of cases involved in the research allowed, we hoped to identify some factors that appear to be most strongly influential, and to learn more about how to examine those particular factors in more detail in the larger compliance project of which the P.E.I. study is a first stage. We also hoped to lay the groundwork so that the research in other provinces, with larger numbers of interviews to work with, will be able to explore how the key determining factors interact with each other over time. Ultimately, it is hoped that the overall study will be able to identify some "paying parent profiles" that incorporate categories of support payment records and key factors influencing compliance.

The research in P.E.I. was funded fully by the Department of Justice Canada, but relied heavily on the interest and participation of the director and staff of the Maintenance Enforcement Program (MEP) in that province. Throughout the research they were called upon to provide information, explain their operations in detail, facilitate the extracting of data from their information systems, provide interpretations of findings relating to the MEP itself, and look up specific case information.

This report presents the findings of the P.E.I. child support compliance project. It is organized into seven sections, including this introduction, a review of the research methodology used in P.E.I., a description of the MEP in P.E.I., findings from the analysis of MEP case file data that include an analysis of compliance patterns, an analysis of information on the factors influencing compliance, a review of the P.E.I. research strategy and the lessons learned for research in other jurisdictions, and a set of recommendations.

2. METHODOLOGY

The compliance research in P.E.I. was exploratory in two senses. First, it was a testing ground for applying a range of methodological approaches, each of which evolved as we understood more about how the P.E.I. MEP operated, what data were available in the MEP's information systems, how amenable the data were to extraction and analysis for our purposes, and what information would need to be obtained directly from paying parents and recipients. Second, the individual research elements were exploratory in that we did not develop them with a specific hypothesis to test; rather, the approach was to investigate a wide range of issues and consider a wide range of possible influencing factors. It was to be a starting point both for a planned larger research project and for contributing to the body of research on compliance with child support orders.

The project coordinator for the Child Support Team at the Department of Justice Canada, and others at the department, were consulted regularly during the development of detailed research plans and specific research instruments, such as data collection forms and interview guides.

There were five research elements: a review of the P.E.I. MEP; the collection and analysis of MEP case file data; interviews with professionals working with separating parents; interviews with paying parents and recipients of child support whose files were registered with the MEP; and interviews with separated parents with children not registered with the MEP. Each of these is described in detail below.

2.1 Review of the P.E.I. MEP

As a preliminary step for the project as a whole, and in order to have on record an up-to-date description of the operation of the MEP in P.E.I., we needed to review MEP operations in detail. This involved a review of available documents describing the MEP and the legislation under which it operates, an on-site review of the MEP information system and hard files, ongoing discussions with the MEP director and staff, and observations at the MEP office during several extended periods. These activities enabled us to plan the case file data collection and the sampling for interviews, and contributed to the development of the interview guides. As well, it resulted in a written description of the MEP, which is included in this report and is also being used as a section in the Canadian Centre for Justice Statistics national description of maintenance enforcement programs.[3]

2.2 Collection and Analysis of Case File Data

During the preliminary stages of the research, the MEP information system was examined to assess the information it contained about individuals and cases, and the possibilities for extracting data for analysis. It was determined that for the sample required, it would be more cost-effective to extract data from the system manually, rather than develop a program to

[3] The CCJS, with the cooperation of the Department of Justice Canada and the provinces and territories, is undertaking two projects related to child support: the Maintenance Enforcement Survey, designed to provide a statistical profile of maintenance enforcement in Canada; and a detailed descriptive report of all the maintenance enforcement programs in Canada.

download data in an automated fashion. This approach was adopted in part because some information of interest was to be found in "comment" records rather than records that could be easily coded and extracted. This was particularly the case with background information that helped us to correctly interpret the financial ledgers in more complicated cases, and to obtain more accurate information about enforcement measures, as well as information about employment, Employment Insurance and social assistance that was not readily available in the standardized records.

A sample of 500 cases (about 27 percent of total cases) was randomly selected from a total caseload of 1,868 child support enforcement files.[4] The sample was drawn in March 1999. Cases were scanned prior to sampling and again after the sampling to ensure that we had included an adequate number of cases involving certain key characteristics, such as REMO[5] cases, cases involving female paying parents and male recipients, and older and newer cases. The random sampling proved adequate for our purposes, and the collection was initiated.

The data collection was completed using a standardized data collection sheet (see Appendix). The sheet was developed in consultation with the Child Support Team, based initially on what we hoped to draw from the system, and then modified according to what information was available on a reliable and consistent basis. It allowed for the recording of information on the sex, date of birth and last known address of paying parent and recipient and the children, information about the support order and any variations, information about income sources, the method of payment to the MEP, details from 1990 to the present about support obligations and payments made, arrears (current and upon entry to the program), and details about any enforcement actions taken.

Not all variables were available for all paying parents and recipients. The following limitations were found.

- Dates of birth for both paying parent and recipient were available in most cases, but in some cases one or both dates were not in the system. These were likely cases that were brought to the MEP through an agreement rather than a court order.

- The postal code of paying parents and recipients was recorded as the indicator of location. However, in some cases no address was on file. In the majority of those cases we were able to discern from other information in the system whether or not the person lived in P.E.I. or some other province (or outside the country), and in these cases we recorded the postal code simply as "P.E.I." or "N.B." (New Brunswick), etc. In this way we could at least group them according to whether the parents both lived on the Island, both lived elsewhere, or lived in separate provinces. The location variable identifies the last known location of the parents. We knew from our experience in trying to locate parents for interviews that some of those

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[4] A small minority of other files in the system involved either spousal support or both spousal and child support. Since the present research related to child support only, and since it would not be possible to distinguish in the financial records between monies paid toward child support and that paid toward spousal support, it was decided not to include either of these types of cases in the sample.

[5] REMO stands for Reciprocal Enforcement of Maintenance Orders. REMO cases are those in which either a paying parent or recipient resides out of province, and enforcement is provided through a reciprocal arrangement with the enforcement office in the appropriate jurisdiction.

addresses were not current. However, we were primarily interested in their locations relative to each other at the time that the MEP was involved in administering their child support. In the large majority of cases, the system contained an address for both parties that would have been accurate at the time that the file was opened, at least. In most cases, addresses were updated when a recipient was either receiving cheques through the mail or was mailed any other information from the MEP, and when there was an enforcement situation. In cases where the paying parent or recipient left the province and the MEP (or another provincial or territorial MEP) continued to be involved, the information about province of location would be accurate.

- Information in the MEP system on sources of income and income levels is not very reliable. Employment of paying parents was tracked only when enforcement was required, and there is no ongoing record of changes in employment status, periods of unemployment, or other such fluctuations, except to the extent that "comment" fields in the system described in general terms what was happening with a case at a particular point in time. Where we have recorded that a paying parent or recipient had been employed outside the home at some time, or had been on Employment Insurance or social assistance, the information is reliable. However, in many cases we do not know one way or the other, and no information was recorded. Income levels were only available in a small number of cases, when a court order indicated the income level at the time of the hearing as a basis for establishing the support amount.

- We recorded in chronological order any enforcement actions that had occurred for the cases in our sample. When possible we also recorded the dates of the actions. Finally, we looked at payment records for the period immediately after the enforcement action, and recorded whether the action had resulted in a resumption of payment (defined as at least six months of regular, on-time payments soon after the action), a temporary resumption (defined as at least one full payment soon after the action but lasting less than six months), or no resumption of payments. After a review of this information for a number of cases, and in consultation with the MEP, it was concluded that this information, while of interest in some specific respects, was insufficient to fully understand how the case unfolded, how enforcement actions were used and to what effect, and what factors were influencing the sequence of events. Our use of the enforcement information and the analysis we have applied reflect these limitations.

- The data on the monthly obligations and payments for each case is considered highly reliable. It is a simple matter to review the two sets of data together, and anomalies show up readily because, in the normal course of events, monthly obligations remain the same for long periods and payments are typically consistent in amount (even if they do not meet the obligation). In our review we found no instances where changes in obligations or payments were not consistent with notes in the files explaining what had occurred. We did, however, find anomalies in the data on arrears, when the total arrears appeared not to take into account, for example, the fact that the children were no longer eligible for support, no payments had been made for some time, and no complaint had been registered by the recipient. These cases were brought to the attention of the MEP and were rectified through a simple accounting entry.[6] In

[6] Such instances represented accounting/administrative backlogs as opposed to enforcement errors. If the recipient had at any time notified the MEP that a payment was due but had not been received, the error would have been found immediately.

our sample, all cases with arrears that appeared abnormally large were investigated, and any such problems were resolved so that our data reflected actual arrears owing.

2.3 Interviews with MEP Paying Parents and Recipients

A major component of the research in P.E.I. involved interviews with a sample of paying parents and recipients of child support registered with the MEP. The interview sample was drawn randomly from the 500 cases selected for the case file data review, so that interview results could be linked with information we already had about child support payment patterns (and, potentially, other information such as enforcement actions taken and some demographic information). The purpose of the interviews was to explore factors that may be influential in determining whether child support is paid regularly and on time or not. At the same time, respondents were asked about their experiences with the MEP itself.

Given that we wanted to interview a substantial number of parents to have sufficient information across a range of potential factors, the primary interview mode was by telephone. A sample of 100 telephone interviews was decided upon. In addition, a sample of 20 in-person interviews was drawn in order to determine whether there were benefits in obtaining more detailed and wide-ranging responses from that more personal approach. A common interview guide was developed for both types of interviews through extensive consultation and review between the researchers and the Child Support Team. The resulting guide contained sections on the participants' current living arrangements, including custody, visitation and child support, and current relationship with the children and with each other; their family life prior to separation; the steps involved in separating and establishing their post-separation arrangements; their experiences with the MEP; and their attitudes and beliefs about child support. The interview guides included primarily open-ended questions. The interviews were structured and consistent in the questions asked and the ordering of questions, but they allowed considerable leeway for respondents to tell their story about what they had experienced in the period of their life that we were concerned with.

Matched pairs of parents were selected, because, to the extent possible, the objective was to interview both parents in the selected cases in order to have a balanced and comparative view of the factors that may have influenced compliance or non-compliance. Since the 500 cases selected for the case file review provided a wide range of payment patterns (from paying parents who never paid to those who paid in full every month, and many types of patterns in between), we relied on a random selection for the interview sample.

A letter was sent to all prospective participants with two separate notes, one from the MEP director to indicate that the research was legitimate, and the other from the project manager to describe the study and request their participation. The project manager's note assured prospective participants about the confidentiality of the interviews and the independence of the process from the MEP and the Department of Justice Canada, provided toll-free numbers for the project manager, the department and MEP, so that they had a choice about who to call if they did not want to be contacted, and indicated that they would be receiving a phone call in the near future if they did not inform us that they would prefer not to be contacted. We recognized that the issues being studied, as well as the fact that they would be contacted by researchers as a result of their being registered with the MEP, might be of concern to prospective respondents.

Thus, we made every effort to give them an opportunity to decline to participate. At the beginning of the interviews, we were careful to describe the kinds of questions we would be asking, reassure them that their confidentiality would be respected, and tell them that they should feel free not to answer questions they were uncomfortable answering.

The introductory letters were sent to an initial 220 parents, as we anticipated that some addresses and telephone numbers would not be current, that some parents would be difficult to locate, and that some would choose not to participate. As well, we were aware that because the interviews were being conducted through the summer and into the fall, the early period might coincide with vacations. Ultimately, it proved necessary to draw an additional sample of 200 names (100 pairs, or cases) and send the same letters out, because of the high number of people who could not be located or who in one way or another indicated that they would not participate. The majority of the latter simply made themselves unavailable by not answering the telephone at the time agreed upon for the interview, or repeatedly putting it off so that it became apparent they did not intend to participate. Very few people who were reached said directly that they did not wish to participate.

In-person interviews were chosen randomly from the first wave of potential respondents. They were conducted by the project manager, who based himself in P.E.I. for an extended period and conducted the interviews in most cases in the respondents' homes. No-shows were common, but persistence paid off in most cases. Beyond the potential benefits to the interview process itself, it was considered beneficial to have visited the respondents in their homes, and to have had a first-hand view, however brief, of their living circumstances.

Part of the introduction to the interviews was to reassure participants about the confidentiality of the process, and indicate that if they found a given question too intrusive, they should feel free to ask us to move on to the next question. Despite the extensive and highly personal nature of the interviews, not one person refused to answer a question. Of course, questions can be answered in varying degrees of detail and accuracy, and with varying degrees of forethought, but the researchers found no outright reluctance to answer questions. In a small number of cases, questions about relationships (for example, between a paying parent and his children) elicited very short answers, or were referred to as confusing or "weird" questions. However, the interviewers were prepared to explain the reasons for the questions, and to rephrase them if this seemed necessary to get a meaningful answer.

Ultimately, 18 in-person and 112 telephone interviews were successfully completed. The interviews lasted from 45 minutes to four hours, with the great majority lasting between one and two hours. The respondents were given every opportunity to be expansive in their comments, and the interviewers took extensive notes, in keeping with the objective to understand in the language of the parents themselves what their experiences had been and how they felt about what they had been through.

2.4 Interviews with Mothers and Fathers Not Registered with the MEP

A final research element was added to the project a part of the way through it, to account for the fact that many parents with children who separate never come in contact with the legal system or the maintenance enforcement system, and therefore could not be included in our sample. We

recognized that people who chose, for whatever reason, not to register a child support agreement with the courts or the enforcement agency may have a different perspective on the factors influencing compliance. This additional research element was adopted as an exploratory first step in looking at this issue. No attempt was made to identify and randomly select a sample of "non-MEP" parents. Rather, through our contacts with lawyers in P.E.I., we obtained names of parents who would agree to participate in an interview. The contacts were asked to select parents with a range of types of circumstances, so we would not, for example, only interview people who had steady, highly paid employment and no difficulties with child support. The same interview guide used for "MEP" parents was used in these cases, with some minor adjustments to reflect the fact that they had no experience with the MEP. This method of identifying non-MEP parents proved inadequate. Most contacts were unable to provide us with names (or did not wish to, for whatever reason), and the names we did get were all recipient mothers. Ultimately, 10 interviews were conducted with "non-MEP" parents, all with the custodial parents.

2.5 Interviews with Professionals Who Work With Separating Parents

It was recognized in designing the research that the legal system itself could have an influence on parents' experiences with the separation process, and on their attitudes toward each other and toward the care and support of their children. The department's literature review indicated that interviews with professionals working with separating parents with children had not been conducted in previous compliance research. Therefore, we included in the research plan a set of in-person interviews with local family law lawyers, judges, mediators, court officers, parenting education workers, social workers hired to conduct assessments for the court, and the MEP director. A total of 15 interviews with professionals were conducted, using an interview guide that set out specific areas of inquiry and encouraged a broad consideration of issues that could be viewed as pertaining to parents' experiences with the legal system and to the professionals' impressions of the factors that may influence parental attitudes. The guide was developed in consultation with the Child Support Team.

The interview subjects were selected with the advice of the MEP director. The family law community in P.E.I. is small compared to other jurisdictions, and while the number of interviews reflected the available budget rather than an effort to draw a representative sample, we were advised that the people selected represented a reasonable cross section of relevant professionals.

In the case of practising lawyers, eight were interviewed, five of whom represented separating mothers and fathers for a range of purposes, from the development of agreements to the settlement of disputes about custody and access, child support and division of property. None of them represented custodial or non-custodial parents exclusively, but as individual lawyers do tend to represent one of those more than the other, an effort was made to include lawyers representing each parental category. Two of the lawyers interviewed represented the provincial Department of Health and Social Services. They provide legal counsel to women receiving social assistance, through their Family Support Orders Program. The program's purpose is to obtain child support from non-custodial parents (98 percent of whom are fathers) for custodial parents on social assistance. Once clients are referred to the lawyers, they also receive their legal services relating to custody and visitation issues. The eighth lawyer interviewed is an

employee of the provincial Ministry of the Attorney General, and acts on behalf of the MEP director to enforce the *Maintenance Enforcement Act* and the *Reciprocal Enforcement Act.*

We interviewed two judges in Charlottetown (one of the two family courts on the Island, the other being in Summerside) who regularly preside in Family Court and hear cases involving child support and related matters. We also interviewed the court Registrar and two Family Court counsellors who are social workers hired by the court to conduct home studies and report back on recommendations for a parenting plan for separating parents with children. They also act as mediators and family counsellors. The two interviewed for this research were also involved in a new parenting education program being implemented in association with the Family Court. In addition, we interviewed the Child Support Guidelines Officer, who is responsible for assisting parents in applying for variations to existing support orders under the new Federal Child Support Guidelines. Finally, we interviewed the Director of the MEP. In fact, much of the research was based at the MEP offices, and throughout the research period we had many occasions to talk with the Director and staff members about the full range of issues under consideration.

3. THE P.E.I. MAINTENANCE ENFORCEMENT PROGRAM

This section of the report describes the MEP in P.E.I. The information is drawn from official program documents, discussions with the MEP Director and staff, and the observations of the researchers over the course of the study.

3.1 Relevant Legislation

Maintenance enforcement is governed by the *Maintenance Enforcement Act*, R.S.P.E.I. 1988, c.M-1, as amended. The latest amendments to the Act, to enable the MEP to undertake motor vehicle revocation, were in 1997.

3.2 General Description

The MEP was created under the *Maintenance Enforcement Act* in 1988. Before then enforcement was done by the Registrar of the Family Division of the Supreme Court of Prince Edward Island, under the Department of Provincial Affairs and Attorney General. Presently, the mandate of the *Maintenance Enforcement Act* provides for enforcement by a Director of Maintenance Enforcement and support staff. On the MEP's organizational chart, the Director reports to the Director of Legal Services at the Office of the Attorney General.

The MEP has no formal relationship with other government agencies, *per se*. However, a liaison officer, an employee of the Department of Health and Social Services, is housed at the MEP because of the significant number of support orders, registered by that department for social assistance recipients, that require enforcement.

The MEP operates out of a single location with offices housed within the Supreme Court of Prince Edward Island in Charlottetown. The Director attends relevant court hearings at courthouses in Charlottetown and Summerside. At present, the program operates with a total of four staff (not including the Liaison Officer from the Department of Health and Social Services). These are:

- one full-time Director of Maintenance Enforcement;
- one full-time Senior Enforcement Officer;
- one full-time Enforcement Officer; and
- one full-time Bookkeeper, who also performs a variety of clerical duties and assists with enforcement activities.

Legal representation is provided to the program by in-house counsel through the Department of Provincial Affairs. These lawyers also provide legal services to a number of other government departments.

There were 1,868 cases enrolled in the MEP as of December 1998, about 1,600 of which were active at the time of the research. This compares with about 1,400 active cases in 1997. The

MEP Director reports that there has been a steady and significant increase in caseload since the MEP was established. This corresponds to the experience in other jurisdictions across the country. About 82 percent of the active cases in 1998 were non-REMO (Reciprocal Enforcement of Maintenance Orders) cases, 11 percent were REMO-in cases and 7 percent were REMO-out cases.[7] A small number of the non-REMO cases involved paying parents[8] or recipients living out of province, but these did not require enforcement and, therefore, were never registered with another MEP as a REMO case. The MEP administers primarily child support orders and agreements (because spousal support orders are less frequently included in separation and divorce settlements). Almost 90 percent of cases are exclusively for child support, but 3 to 4 percent of cases are for spousal support alone, and another 8 to 9 percent are combined child and spousal support. During 1997 and 1998, the MEP processed payments totalling $4.4 million and $4.7 million, respectively.

3.3 Case Management

The operations of the MEP involve intake/withdrawal procedures, tracing/investigation activities, monitoring of case and payment behaviour, payment processing and disbursement, and enforcement activities.

3.3.1 Case Intake/Withdrawal

Enrolment in the MEP occurs in several ways. Court orders that include child or spousal support provisions are automatically registered with the MEP. As well, child and spousal support agreements can voluntarily be registered with the court and will be enforced by the MEP. This is a common practice in Prince Edward Island when agreements are drawn up with the assistance of lawyers or mediators. With the exception of cases registered by the Department of Health and Social Services (for which support payments are directed back to that office to be accounted against social assistance payments), cases can be withdrawn by recipients at any time. Likewise, recipients who have withdrawn may re-enter at any time.

Enrolment in the program requires a support order or agreement and a completed filing information form. Orders may be filed with the MEP either in person or by mail. All relevant case information is extracted from the file and entered on the MEPS (the program's computer system). For orders made within the province, the MEP requires only one copy of the order, filing information, and any other relevant information that the client wishes to provide. Where cases are REMO-in, the MEP will accept one to three certified copies of the order, a default affidavit, and any other accompanying supporting information.

Once a case is registered, an introductory letter and payroll deduction form is forwarded within a few days to the paying parent. The letter states that within 14 days the paying parent must either contact the MEP to advise how payments will be made, or complete the payroll deduction form with the employer and forward it to the MEP. If neither of these is done, the MEP issues a

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[7] REMO-in refers to cases in which enforcement originated in another jurisdiction and was referred to the P.E.I. MEP when the paying parent moved to the Island. REMO-out cases are those referred by the P.E.I. MEP to another enforcement agency because the paying parent moved off the Island to another jurisdiction.

[8] The term "paying parent" is used by the MEP to describe the parents who have a support obligation registered at the MEP. In the main text of this report they are referred to as paying parents.

payment order to the employer requiring that it deduct the support amount from pay cheques to the paying parent, and forward a cheque by the required date to the MEP. Under the *Maintenance Enforcement Act*, the employer is bound to meet this requirement. If there is no known employer and the paying parent does not respond to the introductory letter and no payments are forthcoming, enforcement is initiated.

3.3.2 Tracing

MEP staff often depend on recipients to provide information about the whereabouts of paying parents. They can also use the International Record Exchange (IRE) or federal tracing[9]. They also rely on the Sheriff's Offices to assist them in locating paying parents. At present, the MEP does not have the necessary resources to conduct searches on assets, and there is no automated tracing of provincial databanks in place. Where paying parents are known or believed to be residing in P.E.I., the number of "untraceable" paying parents is relatively low. The MEP Director estimates that they would comprise about 5 percent of the total "local" cases. Cases in which there is information that the paying parent has left the province and support payments have not been forthcoming are sent to the enforcement agency in the appropriate jurisdiction under the REMO process. In these cases, the Director estimates that 10 to 15 percent do not result in any payments or enforcement action because the paying parent cannot be located.

Cases in which the paying parent has not been located remain active in the MEP system, and efforts are made periodically to follow up on previous tracing efforts. Most often, however, it is new information brought to the attention of the MEP by the recipient or a friend or relative that initiates action on a file that has been "untraceable".

3.3.3 Monitoring

The MEP's information system is capable of producing "obligation reports" from which staff can identify payments that are past due. However, because of the size of the current caseload and the amount of time required on individual case management, staff more typically respond to notification from recipients that payments are past due. As well, cases in which enforcement has already been initiated, or which are known to be "problem" cases, are regularly reviewed to ensure that enforcement is proceeding. It is recognized that this approach tends to be somewhat selective in the enforcement service provided, as the demand from the users tends to overpower the prioritizing of enforcement strategies.

3.3.4 Payment Processing and Disbursement

The MEP is primarily a "pay-to" system (meaning that the MEP receives and deposits payments, and then issues its own cheques to recipients), but it also allows paying parents to "pay-through" the program (meaning that cheques from the paying parent are recorded at the MEP and then sent on to the recipient). The program accepts non-certified post-dated personal cheques, cash, bank drafts, money orders and certified cheques. The MEP recently initiated an automatic deposit and withdrawal system. The paying parent is issued a receipt and the recipient receives a

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[9] Part I of the federal *Family Orders and Agreements Enforcement Assistance Act* (FOAEA) enables provincial and territorial enforcement agencies to access certain federal databanks for residential and employer name and address information to trace the whereabouts of paying parents in default. A specialized FOAEA unit in the Department of Justice Canada oversees and administers this tracing function.

cheque from the MEP. It is common for paying parents to deliver payments directly at the MEP office, and for recipients to pick up their cheques at that office. When an NSF (non sufficient funds) cheque is received, the paying parent is charged for this item, and the program may opt to not accept any personal cheques from this account in the future. In a small number of cases, with the agreement of the recipient, the paying parent pays support directly to the recipient. This arrangement is noted in the case file, and any subsequent problem with payments requires notification by the recipient, at which time the MEP may require that future payments be made through the MEP.

3.3.5 Enforcement

When the MEP becomes aware that a payment is late, the Director (DME) can initiate a variety of actions. The choice depends on the frequency with which the paying parent in question has been in default, other recent enforcement actions taken and the result of those actions, information about the income circumstances of the paying parent, and other factors. The initial MEP response is usually to telephone the paying parent (or write, if no response is forthcoming) to inquire why the payment is late, and make arrangements for immediate payment. If this is not accomplished, or if there is a history of default, more formal enforcement actions are taken.

Enforcement falls into two categories, either "administrative enforcement" and "court enforcement" (also known as judicial enforcement). Since the DME is empowered with a range of enforcement strategies, it is when all administrative enforcement strategies have failed that the DME relies on judicial enforcement. This includes situations in which the DME has been unable to obtain cooperation from an employer, and where paying parents are self-employed or earning "under the table" income.

3.3.5.1 Administrative Enforcement

It is the duty of the DME to enforce maintenance orders filed at the MEP in any manner that appears practicable. In taking enforcement action, the DME may require from any person or public body any information or control concerning the location, address or place of employment of the paying parent, and any information about the paying parent's employment income and terms of employment. The DME may also provide that information to a person performing similar enforcement functions in another jurisdiction. Where enforcement of an order or agreement is initiated outside Prince Edward Island and is directed to a paying parent residing in Prince Edward Island, the DME is responsible for enforcing that obligation.

- The DME will issue a payment order to the paying parent's employer, and may issue multiple payment orders as necessary.

- The DME may meet with a paying parent to work out a repayment plan on arrears while placing an onus upon a paying parent to meet ordered obligations (these meetings are referred to as resolution meetings). While this method may sometimes result in a reduced payment for a temporary period taking into account a change in the paying parent's income circumstances, the DME recognizes that the ultimate authority for reduction in a support obligation is by variation through the court, and that arrears on support payments owing will continue to accrue until the court orders otherwise.

- An order may be registered against the land of a paying parent, and the DME may enforce a support obligation by compelling the sale of the property.

- The DME may issue writs to seize bank accounts, vehicles, RRSPs and other assets.

- The DME may apply for the suspension of a paying parent's provincial motor vehicle licence.

The federal government offers assistance to the provinces and territories to enforce support orders, as follows:

- The *Family Orders and Agreements Enforcement Assistance Act* (FOAEA), under Parts I, II and III, provides mechanisms, including tracing through federal government databases; the interception of federal funds such as income tax refunds, employment insurance and individual GST rebates; and the suspension of federal aviation and marine licences and passports.

- The *Garnishment, Attachment and Pension Diversion Act* (GAPDA) enables the federal government to garnish the wages and pension benefits of federal government employees.

3.3.5.2 Court Enforcement

P.E.I.'s *Maintenance Enforcement Act* provides the DME with remedies through the courts for defaults on child support and maintenance orders and agreements. Defaulting paying parents are given an opportunity to meet with the DME to come to an arrangement to meet their support obligations. If such a meeting does not take place, or if the meeting does not result in a satisfactory arrangement that is acted upon by the paying parent, the paying parent is scheduled for a court hearing. In the meantime, or afterwards, the DME may initiate whatever administrative enforcement measures are deemed appropriate. The Act provides that:

> Where a maintenance order that is filed in the Director's office is in default, the Director may prepare a statement of the arrears and the Director may, by notice served on the paying parent together with the statement of arrears, require the paying parent to file in the Director's office a financial statement in the form prescribed by the rules of Court and to appear before the Court to explain the default.[10]

The Court may, unless it is satisfied that there are no arrears or that the paying parent is unable for valid reasons to pay the arrears or to make subsequent payments under the order, order that the paying parent:

- discharge the arrears by such periodic payments as the Court considers just;

- discharge the arrears in full by a specified date;

- comply with the order to the extent of the paying parent's ability to pay (but an order under this clause does not affect the accruing of arrears);

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[10] *Maintenance Enforcement Act*, R.S.P.E.I. 1988, c.M-1 Section 11 (1).

- provide security in such form as the Court directs for the arrears and subsequent payment;
- report periodically to the Court, the Director or a person specified in the order;
- provide to the Court, the Director, or a person specified in the order the particulars of any future change of address or employment as soon as they occur;
- be imprisoned continuously or intermittently for not more than 90 days unless the arrears are sooner paid; or
- be imprisoned continuously or intermittently for not more than 90 days on default in any payment or requirement ordered.[11]

When the DME issues notices of default an invitation appears on the summons for the defaulter to meet with the DME and the program's legal counsel to attempt to resolve the matter prior to the court hearing. In some cases the defaulter has had a change in income level and may be considered unable to meet the obligations. These defaulters may be given some time to pursue variation through the courts, and are referred to the Child Support Guidelines Office (a service provided through the courts with federal funding contributions to assist parties in applying for variations to orders or agreements) or independent counsel. Arrears continue to accumulate until a variation is ordered by the court. In the event that resolution is successful, the case is removed from the court docket. The DME has observed that the judiciary supports this "resolution environment", notably because of the fact that the court docket may include as many as 35 cases and the pre-hearing meetings may result in as few as three cases actually going before the court. In the event that the defaulter does not follow through with recommendations agreed to during the resolution meeting, the matter is further dealt with by the court and through administrative enforcement measures.

[11] Ibid., Section 11 (4).

4. CASE FILE DATA FINDINGS

The following are the findings based on an analysis of 458 files at the P.E.I. Maintenance Enforcement Program.[12] The files are exclusively child support cases. No spousal support or combined support cases were included in the sample. The case files provide some basic information about the nature of the cases, some demographic information about the paying parents and recipients, and information about payment patterns and responses of the MEP to those patterns. Later in the report, in our analysis of interviews with paying parents and recipients, we revisit some of the case file data on payment patterns to explore the range of factors that may be influencing payment and non-payment of child support.

4.1 Who Are the Parents?

Data from our sample of paying parents and recipients indicates the following characteristics.

- 98 percent of paying parents in the sample are men. There are nine women paying parents. There are no same-sex couples in the sample.

- 81 percent of paying parents and 82 percent of recipients lived in P.E.I. at the time of the research (or at the time the file was designated as inactive[13]).

- In 66 percent of cases, both paying parent and recipient lived in P.E.I. while the case was active.

- The median age of paying parents in the sample is 38, and the median age of recipients is 35.

The MEP files did not have complete information on the employment status of paying parents. When the information was in the file and considered reliable, it was because either the paying parent had had a long-standing job and had continued to make payments without interruption, child support payments were being garnished from an employer (or from employment insurance payments), or an enforcement action was being taken and there was written information in the file about the paying parent's employment or EI status. Information was considered reliable in 56 percent of cases. In those cases, 76 percent of paying parents were employed at the time of the research (or at the time the file was made inactive), and 21 percent were receiving EI benefits. A small number were receiving social assistance or worker's compensation benefits.[14]

In the case of recipients, we could not rely on the files for current information on employment status, but we can report in many cases on whether recipients had been employed at any time

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[12] From the original sample of 500 cases, some were found not to have sufficient information to be included in the analysis. In some other cases, information in the file appeared contradictory, and the information was from sufficiently long ago that it would have been difficult to verify what information was accurate.

[13] Files are designated as inactive when no payments are expected in the foreseeable future. These can be either cases in which extensive tracing has failed to find the paying parent, or cases in which a support obligation is no longer in force, but it is anticipated that an obligation may arise again (for example, when a child is temporarily not living with the custodial parent).

[14] In cases when the paying parents and recipients were interviewed, more reliable information on employment histories is available. This is discussed later in the report.

during their involvement with the MEP, or had been receiving social assistance during that time. About 32 percent of recipients had been employed for pay outside the home at some point during their involvement with the MEP, and 38 percent had reportedly been on social assistance during that time.

4.2 Child Support Orders and Agreements

The MEP enforces child support orders and agreements from several sources. In some cases, the orders are part of the results of a divorce proceeding. The order in those cases could have been agreed to by the two parents and formalized by the court, or it could have been imposed by the court. In some other cases, the MEP is enforcing a court order imposed under provincial legislation, as part of a broader order relating to what have traditionally been referred to as custody, access and child support, after separation but prior to any divorce proceedings. In still other cases, it is enforcing an agreement between separating parents, whose lawyers (or mediators or other intermediaries) have recommended that the agreement be registered with the MEP to facilitate payments and reduce the risk of disputes over child support. For this research, the source of the order or agreement is of interest because it may be a factor influencing compliance or non-compliance.

In our sample, 28 percent of cases resulted from divorce orders, 38 percent related to orders under provincial legislation, and 34 percent were based on separation agreements, most but not all of which had been registered with the courts. Some cases may have started as agreements and ultimately became provincial orders or divorce orders. For our purposes, cases are classified according to their current source at the time of the research.

Paying parents and recipients have the option to seek variations to support orders through the court if they consider the existing order to be inappropriate because of changed circumstances since the time that the original order was given. In the case of a private agreement not registered with the court, the party seeking a change that the other parent did not agree with would have to seek an order from the court. This would not be considered a variation. There were variations in 16 percent of the cases in our sample, with a large majority of those resulting in a decreased order. Reasons for the variations were generally not available, but in the cases when the reason was apparent, it was most often because one or more of the children were no longer eligible for support because they were no longer living with the custodial parent, or were not in school and were no longer young enough to be eligible. In some cases, the financial situation of the paying parent had changed, and either the paying parent or the recipient had sought a variation. In three cases, one of the parents sought a variation specifically because of the new Federal Child Support Guidelines.[15]

The amounts of support orders in our sample vary considerably. The mean order/agreement in our sample was $250 per month. The smallest amount to be paid was $20 per month, almost all orders and agreements were at least $50, and the great majority were at least $100. The largest

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[15] Amendments to the *Divorce Act* regarding introducing the Federal Child Support Guidelines, under Bill C-41, were given Royal Assent on February 19, 1997, and came into effect on May 1, 1997. The amendments introduced child support guidelines to help parents, lawyers and judges set fair and consistent child support awards in divorce cases. Some provinces, P.E.I. being one example, established their own tables governing the size of support awards, but these are in keeping with the standards set out in the federal guidelines.

monthly payment was $1,600. The largest proportion of cases (28 percent) fall into the $101 to $200 range, while 24 percent are in the $201 to $300 range. Table 4.1 provides a breakdown of the size of the orders/agreements.

Table 4.1 Size of Most Recent Child Support Orders/Agreements

Size of order/agreement	Number of cases	Percentage of cases
	No.	%
Up to $100	70	15
$101-$200	127	28
$201-$300	110	24
$301-$400	59	13
$401-$500	40	9
$501-$1,000	47	10
More than $1,000	5	1
Total	**458**	**100**

Note: Due to rounding, not all percent columns will add to 100.

4.3 Payment Methods

There are a variety of ways that child support payments can be made through the MEP, the most common being by cash or cheque directly to the MEP, which then issues a cheque for the same amount to the recipient. Such payments may be voluntary, or as a result of enforcement action. Many payments are made through an attachment of salary or wage. The employer issues a cheque for the required amount to the MEP, and deducts that amount from the paying parent's pay cheque. These are often a result of enforcement action, but some paying parents voluntarily make this kind of arrangement to facilitate payment.

In some cases, payments are made through MEP in another province or territory (or even some states in the United States, and some other countries). Some payments are obtained through the interception of money being paid to the paying parent by the federal government. That money can be employment insurance payments, income tax refunds, GST rebates, or pensions.

In a small number of cases, paying parents pay support directly to the recipient even though the order or agreement is registered with the MEP. This is allowed provided that the recipient agrees and the payments are made regularly. Table 4.2 describes the ways that payments are made in our sample of cases.

Table 4.2 Child Support Payment Methods

Payment method	Percentage of cases[16]
	%
Directly to the MEP	59
Wage attachment	17
Through another MEP	11
FOAEA interception	11
Directly to recipient	3

4.4 Default and Enforcement Strategies

Cases in default are selected for attention in two ways. First, cases known to be problematic or that have had recent defaults are watched to ensure that subsequent obligations are met. Second, recipients are relied upon to call to the MEP's attention payments which have not been received. Recipients routinely call the office to see if their cheque has come in, and if it is due and has not been received, such a telephone call will generate action by the MEP. The MEP recognizes that this approach places the onus on the recipients to instigate action, and also that recipients who frequently do not receive payments are forced into the role of calling the MEP on a regular basis to complain and to inquire about what is being done to get the payment from the paying parent. However, with the MEP's existing staff, this is seen as the only feasible way at present to accommodate the large number of cases. Staff resources are limited and, rather than investigating all defaults immediately, the MEP must establish priorities.

The information system at the MEP in P.E.I. is capable of producing a list of cases (for example, on a weekly or monthly basis) in which an expected payment has not been received. At present, however, it would not differentiate between new defaults, defaults that were already recognized and in the process of being dealt with, or cases that had not been officially declared "inactive" even though MEP staff knew they did not need to act on them. The result would be that such a list would include a large number of cases that were inappropriate for new enforcement action. Such a list is not used at present.

4.4.1 Enforcement Actions

The MEP has a variety of enforcement tools at its disposal when child support payments do not arrive at their office on time, ranging from attaching wages through an employer, to requiring the paying parent to attend a default hearing at the Supreme Court, to the seeking of incarceration through the Court. The desired result, of course, is that payments are resumed, and that is the basis upon which decisions are made about which tool is best suited to individual cases. The approach taken in P.E.I. is to deal with each case individually according to its circumstances, as

[16] The percentages take into account only those cases when payments were being made at the time the data were collected. In 123 of the 458 cases in the sample (27 percent), no payments were currently being received.

opposed to instituting a standardized approach in which a series of escalating enforcement steps are taken in a consistent sequence until payment is resumed. This is possible in P.E.I. because of its small geographic area and the ability of the MEP (with the Sheriff's assistance) to find most paying parents who remain on the Island. However, it also stems from a philosophy adopted by the program that its clients are both recipients and paying parents, and that paying parents deserve to be given an opportunity to explain their circumstances and work out a reasonable payment arrangement. That being said, if that opportunity is not acted upon and does not result in compliance with the support order or agreement, the MEP is committed to use the enforcement tools at its disposal.

Decisions about which enforcement strategies to employ and which actions to take in specific cases can be complex, and depend on the availability of accurate and up-to-date information about the paying parents' whereabouts, employment situation, income and pay schedule, as well as factors such as fluctuations in the living arrangements, age and school status of the children, extraordinary expenses that arise, and other factors that may have no legal basis but which can influence paying parents' attitudes about payment, and therefore the likelihood that they will respond to particular enforcement strategies. It is true that the MEP is responsible for enforcing, and not for setting, payment amounts. However, the approach taken in P.E.I. is that if paying parents can show reason why it is not possible to make full payments (as a result of changed income circumstances, for example) or why they should not have to make payments (for example, if one or more children on the order are now residing with the paying parent), it is in the interests of the recipient to make a temporary arrangement to get some payment, while requiring the paying parent to take steps to obtain a variation of the support order.

In our sample, 59 percent of cases had never had an enforcement action taken, and in another 7 percent the only action was a payment order requiring the employer to deduct the support payments from the paying parent's wages. Payment orders are worth distinguishing from other enforcement actions because they do not necessarily indicate a default on payment. If the paying parent does not respond within two weeks of receiving the initial letter from the MEP, a payment order is automatically sent to the employer. In some cases, there are reasons for the delayed response other than an intention not to pay. In most cases, however, the payment order indicates at least a reluctance to get payments started expeditiously, and it may indicate that the paying parent has missed scheduled payments. One-third of paying parents in our sample required enforcement action other than a payment order. Table 4.3 provides a breakdown of the types of enforcement actions used, and in how many cases each was used.

Table 4.3 Use of Enforcement Tools

Enforcement Activity	Percentage of cases
	%
No enforcement	59
Payment order	17
FOAEA interception	18
Default hearing[17]	11
Default meeting	9
Order or warrant for arrest	3
GAPDA	1 (3 cases)

Note: Percentages total more than 100 percent because in many cases more than one enforcement action was taken.

Our information on the comparative effectiveness of enforcement strategies in P.E.I. is restricted to the linking of the dates of specific actions and subsequent payment records. While this provides a useful measure, it risks oversimplifying the complex interactions often involved in enforcing child support. It is often the case, for example, that compliance results from a series of enforcement actions taken together. The form in which the data are available from the system would suggest that the earlier actions had failed and that the last action had succeeded, which would be an inaccurate conclusion. It may also be that the timing of a resumption of payment had more to do with a changed employment situation or a successful FOAEA garnishment than a specific local enforcement action, even though the dates suggest that payments were resumed soon after the local enforcement action.

Suspensions of driver's licences do not show up in the P.E.I. data because no suspensions have taken place. (It is a recently acquired enforcement tool, based on an amendment to provincial legislation in January 1997.)[18] However, the MEP Director informs us that the threat of license suspension (in the form of a letter from the MEP) has been responsible for a resumption of payments in a significant number of cases in the last year or so (she estimated that 30 to 35 cases may have been influenced by the threat of suspension).

Table 4.4 describes the impact on payments of the most common types of enforcement actions taken in P.E.I., based on data from the information system. As we noted above, it is important to remember in looking at the figures that it is not possible in most cases to attribute a resumption of payments to a specific action at a specific point in time—many factors may be at play and influencing the ultimate decision to pay.

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[17] As noted earlier, default meetings are opportunities prior to a court hearing for a defaulting paying parent to explain his or her situation and make firm arrangements to resume payments.

[18] Driver's Licence Denial and Suspension programs exist in eight jurisdictions in Canada, and are based on provincial and territorial legislation. The most obvious difference among the laws is that some provinces and territories (including P.E.I.) can suspend licences, while others only withhold the licence when there is an application for renewal or reissuance. Other variations relate to requirements for notification and appeals and notices to third parties.

Table 4.4 Effectiveness of Enforcement

Type of enforcement	No resumption of payments	Temporary resumption	Resumption of payments	Total number of actions
	%	%	%	No.
Payment order	17	36	47	86
FOAEA intercept	51	17	32	82
Default meeting	59	26	16	58
Default hearing	63	11	27	56

4.5 Child Support Payment Patterns

One of the goals of this research was to explore patterns of child support compliance and non-compliance beyond simply characterizing paying parents as either in compliance or default. In the strictest sense, paying parents are in default if they miss a scheduled payment according to their order or agreement, or if they pay less than what they are required to pay. However, there is a diversity of payment patterns ranging from full and consistent compliance, through various degrees and frequencies of default, to near or total non-compliance. The differences are of interest because they are a starting point for gaining a better understanding of why compliance and non-compliance occurs, and what policies might be employed to both encourage and enforce compliance. As to why payments are missed, the case files do not provide consistent information. In later sections of the report, we analyze interview information in conjunction with the payment patterns of interview respondents in order to look more closely at the factors which appear to be most influential in determining compliance and non-compliance.

The case file data from the P.E.I. MEP provide some considerable detail about payment patterns. For this research we started by using three complementary measures to characterize compliance and non-compliance.

1. The first measure is the frequency of full, timely payment of monthly obligations. This provides us with the percentage of monthly payments that the paying parent has missed from the time that the case was registered at the MEP, to the date at which the data were collected in March 1999.

2. The second measure is the proportion of the paying parents' total obligation that they paid in the same period. Because some paying parents pay regularly but, for whatever reason, not in full, this measure is important in developing an overall characterization of compliance.

3. The third measure is the extent to which arrears have been built up or paid down in the same time period. Only the net change in arrears is available, because the MEP accounting practices do not differentiate between payments that are intended to be directed toward arrears, and payments directed toward monthly obligations. In some cases, arrears have been built up prior to the file being opened at the MEP, so the file opens with an arrears amount. In most cases there are no arrears at the outset, so the net arrears figure represents the overall shortage in the payment of monthly obligations. What we have focussed on for this measure is the change in arrears while the case has been filed with the MEP.

We have also combined the first two measures, to characterize paying parents according to their record in paying regularly and paying in full. Because the arrears figure relates directly to the percentage of total obligation paid, unless there were prior arrears, and because we have no information about the reasons for those pre-MEP arrears, we have not included the arrears in our aggregate measure of compliance.

On average, the paying parents in our sample missed about one-third of monthly obligations; that is, for about one-third of all monthly obligations, the payment was missed in whole or in part. If a payment was within a few dollars of the obligation, it was recorded as a full payment. Otherwise, partial payments were recorded as missed payments for this measure. The median "miss rate" was about 20 percent of obligations missed. This indicates that a relatively small number of paying parents who missed very frequently brought the average up to the one-third level.

Table 4.5 describes the "miss rate" breakdown. It shows that about 28 percent of paying parents paid in full every month, and that another 21 percent missed 20 percent or fewer payments. The remaining paying parents are dispersed widely among the other ranges.

Table 4.5 Percentage of Missed Monthly Obligations

Percentage of monthly obligations missed	Percentage of cases
	%
None missed	28
1-20%	21
21-40%	15
41-60%	11
61-80%	9
81-99%	8
100%	7

Note: Due to rounding, not all percent columns will add to 100.

In examining the extent to which paying parents in P.E.I. met their total support obligations, the analysis is complicated by the fact that we do not have accurate figures on the amount of arrears that paying parents had when they entered the program. Figures for net arrears at the time of the data collection were available, but it was not possible to differentiate between arrears at entry and arrears accumulated while in the program (as a result of missed payments or new court assessments of arrears). Looking only at payments due since entry into the program, and comparing that to the total amount paid, paying parents in our sample paid, on average, 80 percent of their total obligations during the period in which they had a support order or agreement registered with the MEP. This includes situations in which paying parents had paid more than their total obligation (presumably against arrears). When we factor out those extra payments presumed to be intended to pay arrears, the average is reduced to 75 percent of total obligations. Another way of stating this is that, overall, the MEP has succeeded in collecting 75 percent of all obligations due by its paying clients, as well as some proportion of arrears not

scheduled for monthly payment. Almost 40 percent of paying parents paid their full monthly obligation or more.

The fact that the overall records for total payments are more favourable than the records for meeting monthly obligations suggests that some missed payments are being made up in subsequent months. In many cases, this is a result of enforcement efforts. In some cases, an extraordinary circumstance or a period of unemployment may have resulted in missed payments, which were made up voluntarily once employment was resumed.

Table 4.6 describes the range of "pay rate" records. It shows that once we look below the 61 to 99 percent range (which means that 61 to 99 percent of the paying parent's total obligation for the entire time the case has been registered with the MEP has been met), the remaining cases are distributed quite evenly through the other "pay rate" ranges.

Table 4.6 Percentage of Total Obligation Paid

Percentage of total obligations paid	Percentage of cases
	%
None paid	6
1-20%	6
21-40%	7
41-60%	7
61-80%	13
81-99%	22
100%	16
More than 100%	24

The compliance categories were developed by taking all possible combinations of "pay rate" and "miss rate" records, assigning paying parents to their combined record category, and then collapsing those categories into appropriate groups. For example, a paying parent may be categorized initially as "missed 21-30 percent of payments, paid obligation in full" or "missed 61-70 percent of payments, paid 21-30 percent of total obligation."

This level of category was then divided into six groups. Those "fully compliant" had always paid in full every month. The "almost fully compliant" included those who missed a maximum of 10 percent of their monthly payments and paid 90 percent of their total obligation during their time registered with the P.E.I. MEP. The "quite compliant" group had missed up to 30 percent of their monthly payments (i.e., some monthly payments were missed altogether, were paid only partially, or were paid well past the due date) and were short up to a maximum of 30 percent of their total obligation over the period studied. That group may, in fact, have paid their total obligation in full, but were not deemed to be fully compliant because they had missed some payments (even if they made up the difference later). The "somewhat compliant" group included those with 31-60 percent of payments missed and a maximum of 60 percent of their total obligation missed, or those with up to 90 percent of monthly payments missed, but a maximum

of 10 percent of their total obligation missed. The "almost non-compliant" paying parents missed 61-99 percent of their monthly payments and 11-99 percent of their total obligation, or never paid a full monthly payment, but nevertheless paid some part of their total obligation. The "non-compliant" paying parents never made a payment.

Combining the two measures into an overall characterization of compliance levels, we see that about 25 percent of paying parents in our sample were fully compliant (paid in full every month), while 6 percent were completely non-compliant. The remaining paying parents were distributed quite evenly through the remaining categories of overall compliance.

Table 4.7 Overall Compliance Records

Compliance category	Number of paying parents	Percentage of paying parents
	No.	%
Fully compliant	112	25
Almost fully compliant	74	16
Quite compliant	78	17
Somewhat compliant	92	20
Almost completely non-compliant	74	16
Completely non-compliant	27	6

About 55 percent of paying parents in the sample had accrued some level of arrears as a result of not making payments in full. A majority of those (35 percent of all paying parents) had accrued more than $1,000 in arrears, and a small number had accrued very large arrears (the largest net arrears figure was higher than $68,000, and the next highest was $38,000). At the same time, some paying parents paid their monthly obligations and made significant payments against arrears over and above that. About 20 percent of paying parents just paid their monthly obligations and never accrued arrears.

Table 4.8 Arrears Accrued or Paid Off

Net arrears	Percentage of paying parents
	%
Paid off more than $1,000	7
Paid off $501-$1,000	5
Paid off up to $500	13
No net change	20
Accrued up to $500	13
Accrued $501-$1,000	7
Accrued $1,001-$2,500	13
Accrued $2,501-$5,000	8
Accrued $5,001-$10,000	11
Accrued more than $10,000	4

4.6 Summary of Findings Relating to the Case File Data

This section of the report has described the paying parents and recipients of child support registered with the MEP in P.E.I., the orders and agreements under which support obligations are established, the methods used to pay support and to enforce compliance, and the patterns of compliance and non-compliance.

We have seen that while the majority of child support amounts are in the smaller range (two-thirds are $300 a month or lower, and 43 percent are $200 a month or lower), support is not forthcoming on a regular basis in three-quarters of the cases, and in about 42 percent of cases there are significant default problems. Our two primary measures of compliance—the frequency with which monthly obligations are paid in full and on time, and the percentage of total obligations paid—indicate that the problems with compliance are complex and vary greatly in nature. A substantial number of paying parents pay in full and on time every month. Some pay in full for extended periods, miss a number of months, and then resume payments and gradually pay off the arrears. Some paying parents pay at least some amount all or most months, but frequently pay less than what they are obliged to pay. Some pay very sporadically and in amounts not clearly tied to their monthly obligations. The degree of variation in payment patterns suggests that many factors influence whether or not support obligations are met, and that in individual cases compliance may be tied to a single predominant factor or some combination of factors.

The analysis of MEP case files also provided us with information about the enforcement strategies used by the MEP, and some information about the resulting payment behaviour. However, it is clear from this analysis, and from the researchers' detailed review of the MEP files, that it is not possible to obtain an accurate picture of the relationship between specific enforcement measures and resumptions in payments, and it is unwise to assume a "cause and effect" relationship, even when a resumption in payment closely follows the initiation of a specific enforcement action. There may well be some enforcement measures that work better than others, and some enforcement strategies that prove to be more effective in the aggregate. Our analysis thus far suggests that in order to identify those "best practices" in the enforcement of child support orders, more research is required. In particular, our research thus far suggests that a necessary next step will be to examine a sample of cases in detail, in order to follow the full sequence of events and communications between the MEP and the paying parent and recipient, identify the reasons why certain enforcement actions were taken and what the response was according to the enforcement officer, and interview the recipient and paying parent to understand as fully as possible what factors may have influenced the payment pattern.

Analysis of the MEP case file data was a first step. It indicates the extent of the problem with non-compliance and suggests by the wide range of payment patterns the complexity of understanding why some paying parents pay support regularly and in full and others do not. In itself, however, the analysis does not provide much insight into the factors influencing compliance and non-compliance. For that, we needed information about the paying parents that is not available in the MEP files.

In the next section, we examine the results of interviews with a sample of paying parents and recipients, and relate those findings to the payment patterns described above, to investigate

possible relationships between compliance patterns and factors that may influence compliance and non-compliance. We also include the findings of interviews with lawyers, judges, mediators, social workers and other professionals working with separating parents with children, to get their views about how parents in P.E.I. experience the separation process and what factors may influence compliance.

5. ANALYSIS OF INTERVIEWS WITH PARENTS AND PROFESSIONALS

The primary focus of the research in P.E.I. was to explore factors that may influence compliance and non-compliance with child support orders. The premise underlying the research was that while ability to pay is often an important factor, other factors related to *willingness* to pay child support come into play and may at times be strong determinants. To examine these factors and assess the extent of their influence, the research included interviews with paying parents and recipients of child support as well as lawyers, judges, social workers, mediators and other people connected with the court who work with separating parents with children.

The interviews with parents were designed to make it possible to link their responses to information about their cases at the Maintenance Enforcement Program, in order to examine possible links between paying parents' compliance records and the factors explored in the interviews. It was recognized that the decisions paying parents make about paying child support may often be based on complex circumstances, attitudes and inter-personal relationships. Research in this area is new, and many questions have yet to be explored about the factors that influence compliance. In most cases, they do not operate in isolation, and the ways they interact—their relative influence under different circumstances and how changes of circumstances over time affect decisions about paying child support—all need to be examined.

With these complexities and the narrow base of existing research on factors related to "willingness to pay", the scope of the parent interviews in P.E.I. was limited. We set out to identify factors that appear to influence compliance with child support orders and agreements. To the extent that the numbers of cases involved in the research allowed, we hoped to identify some factors that are strongly influential, and learn more about how to examine those particular factors in detail within the context of the larger compliance project of which the P.E.I. study is a first stage. We also hoped to lay groundwork so that an anticipated research project in other provinces, with larger numbers of interviews to work with, will be able to explore how the key determining factors interact over time. Ultimately, it is hoped that the larger study will be able to identify some "paying parent profiles" that incorporate categories of support payment records and key factors influencing compliance.

The interviews for P.E.I. were extracted randomly from our larger sample of cases drawn from the MEP database, in order to make the linkage with MEP payment records possible. No specific type of case was targeted. The sample from which the interview cases were extracted was also randomly selected, so the presumption was made that the range of cases thus selected would approximate the range in the overall caseload at the MEP. It was recognized that some bias would result from the process of prospective respondents agreeing or refusing to participate in the interviews, and that those who chose to participate might be more likely to share certain perspectives than those who chose not to participate. Certainly it proved easier to contact paying parents who were high or moderate compliers, than those with poor compliance records. However, the interviews that were conducted provided a sufficient range of paying parent types to enable us to compare the influence of the factors we were interested in across different kinds of payment records.

In all, 130 interviews were completed in P.E.I. (or in some cases in other jurisdictions, where parents registered with the MEP had moved). These included 51 paying parents (the great majority were fathers) and 79 recipients under child support orders or agreements. In 31 cases, matching paying parents and recipients were interviewed, enabling us to identify where the parents corroborated or contradicted each other's perspective.

The interviews included many questions and raised a wide range of complex issues: the parents' relationships with each other and with the children before and after separation; their experiences with the separation process and with whatever aspects of the legal system they encountered; the kinds of agreements or court orders under which child support and parenting (custody and access) were arranged and their experiences with those arrangements; and their experiences with child support enforcement and the MEP itself.

This section of the report provides an initial analysis of the results of the interviews, organized under what is identified in the literature as factors that could influence compliance and non-compliance.[19] The analysis is "initial" for several reasons. First, few studies have been completed to date that examine "willingness to pay" factors, and those that have been done do not link their findings to actual support payment records. As well, sample sizes for studies that have examined these types of factors have been small. The present study and the planned subsequent research in other provinces were intended to advance the research by conducting larger numbers of interviews with both paying parents and recipients, matched where possible, and by linking the interview responses to payment records.

The research is nevertheless exploratory, in that we did not set out to test specific hypotheses about individual factors. While we had some understanding of the kinds of factors that may influence compliance, we were not in a position to make *a priori* assumptions about which factors might be most influential under what circumstances. The reasons why individuals comply or do not comply with child support orders are likely to be complex and interrelated, having to do with relationships developed over some years, attitudes stemming from a variety of experiences, and the day-to-day experiences involved in separating from a partner and building a new life. In planning the interviews, we used a variety of indicators related to the factors we were interested in to find out more about any relationships with compliance patterns. We hoped to identify factors that appear to influence compliance more than others, to contribute to more focussed research in the future and to assess the methods we have used in order to plan similar research in other provinces.

The analysis is also considered "initial" because, while 130 interviews is a substantial number and have provided much useful information, the sample is still too small to allow for some kinds of analysis that would be desirable. For example, as we examine individual variables from the interviews and attempt to associate them with compliance patterns, we find that the numbers of responses in the different categories are sometimes too small to allow for the identification of

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[19] The determination as to which factors to examine was based on a review of previous research, as described in Alderson-Gill & Associates Consulting Inc., *Research Strategy for Studying Compliance/Default on Child Support Orders*, Department of Justice Canada, September 1998.

meaningful relationships.[20] As we report in the sections below, the data certainly suggest that some relationships seem likely, but we are not able to report in a meaningful way the levels of significance in those relationships. In addition, the numbers do not permit a more sophisticated multivariate analysis that would test the strength of relationships while correcting for the influence of other variables, or the interrelationship of the factors when examined together.

Finally, the depth of information gleaned from the interviews means that there will continue to be potential avenues of analysis beyond what is reported here. This report provides a first level of analysis focussing on individual variables and some groupings of variables that appear most likely to help explain why some paying parents pay child support regularly and in full, and others do not. It makes use of both a quantitative analysis as well as a qualitative review of key areas of the interviews that were either not suitable for coding and quantitative analysis or benefited from the more detailed analysis that the qualitative review made possible. The findings from the interviews with professionals are also integrated into these sub-sections as appropriate.

The analysis is organized under the following headings, each representing a grouping of types of factors believed by researchers to influence compliance:

- employment and income;
- orders and agreements relating to child support, custody and access;
- the separation process;
- the relationship between paying parent and children;
- the relationship between the parents.

5.1 Employment and Income

While "willingness to pay" factors are the focus of this study, the research design provided a limited opportunity to analyze some information about the employment and income situations of paying parents and to examine the extent that these "ability to pay" factors may determine compliance with child support obligations. Knowing more about parents' "ability" to pay was expected to help us understand the significance of their willingness to pay, which is our main interest here.

It is worth noting that the distinction between "ability to pay" and "willingness to pay" is not always obvious when examining individual circumstances. If paying parents are earning less than what they are expected to pay in child support due to a change in income, those parents are clearly unable to pay. Similarly, if paying parents have only enough money to cover the most basic costs of living for themselves—food, shelter and clothing—it is fair to say that they are

[20] This limitation was recognized in the research design. The P.E.I. study was intended as a precursor to a larger study that would provide numbers of interviews sufficient to test the relative strength of the relationships that emerge.

unable to pay child support, and if that circumstance is expected to continue for some time, they must seek a variation to their support order that recognizes their inability to pay.

Prior to the implementation of the Federal Child Support Guidelines, support amounts varied widely, and the criteria used to determine a support amount were inconsistent. Some orders took into account the seasonality of employment or previous histories of unstable employment, while others did not. Some orders specified differing amounts depending on whether the paying parent was employed, on Employment Insurance or without income, while other orders left it to the paying parents to seek a variation when a change in employment took place. Under the Guidelines, foreseen variations in income during the course of a year are factored into the support amount. The courts can base the support amount on average earnings over the previous three years if there is a question about the representativeness of the income for the previous year. Basing the support amount on the paying parent's ability to pay is a cornerstone of the Guidelines, and only unexpected changes in employment status should result in a real inability to pay.

Of course, child support obligations in most cases place financial pressure on paying parents. This is to be expected given that the two parents now have two households to maintain instead of one. It is in the setting of priorities for how to spend scarce resources that the issue of "ability" versus "willingness" becomes cloudy for some paying parents and observers. It is common for paying parents who are struggling to make ends meet to miss child support payments or pay less than was owed because other expenses took precedence. For example, unexpected repairs to a vehicle considered vital to the parent's employment might take precedence over child support. Payments for furniture to equip the paying parent's household as a suitable place for the children might similarly take precedence. In these examples, difficulty in setting priorities may be understandable, and some observers might consider them cases of inability to pay. However, the payment of child support is intended to be a first priority, so strictly speaking they have chosen not to pay, even though the money was available.

Enforcement officers we interviewed described many other examples when the paying parent cited an inability to pay, but when the expenditures that came before child support seemed less "necessary," for example, a paying parent who just bought a new vehicle and now had high monthly payments, or a paying parent who had taken the children on a vacation and now had to make payments due on debts accrued for that vacation. Some paying parents reportedly withhold child support because they do not agree with how it is being spent by the custodial parent, or because they have concerns about how the children are being raised. At the extreme, of course, some paying parents simply refuse to pay support because of their strong feelings about their ex-partners, regardless of their ability to pay. These circumstances are examined further in this chapter, but the point here was to show that the distinction between ability and willingness to pay support, while clear in most cases, is less clear in some circumstances, and that an inability to pay is often confused with decisions about how available money (often scarce) will be spent.

The MEP files in P.E.I. do not contain any systematic information about the incomes of paying parents. In some cases, the hard files contained copies of court orders that referred to income levels as a basis for deciding on the support amount, but this was not generally available, and even that would not tell the story of the actual income of paying parents during the period under study. Similarly, the MEP does not maintain systematic information on employment. Descriptive information is sometimes available, since enforcement officers report on paying parents' responses to default inquiries, but no employment trail is recorded. In order to obtain some information on these two potentially important compliance-related factors, we included questions about income and employment in the interviews with parents. The information was in no way verified, and no attempt was made to record a detailed employment trail that could be linked to payment patterns. Still, it is of interest to link these measures of income and employment to compliance records.

As we anticipated from the range of support amounts in our sample, there was also a wide range of reported incomes, as indicated in Table 5.1A. Recipients' reported incomes are lower on average than paying parents' reported incomes. We asked both parents to estimate the annual incomes of their former partners (more as a gauge of their perspectives and attitudes than to get accurate information). About half of both paying parents and recipients said they had no idea and did not speculate. However, those who did estimate (or speculate) tended to think that their former partners' incomes were higher than what the ex-partners' reported. (Note: In the tables in this chapter, the total number of possible cases is 99, and the total number of possible individual responses to specific questions is 130. This difference is due to the fact that in 31 of the cases we examined we were able to interview both the paying parent and the recipient about the same case. Where totals in tables are less than the full sample of 130 or 99, it means that some parents did not provide responses to the specific questions being addressed, i.e. missing cases. Unless otherwise indicated, all tables in this chapter refer to information that reflects no discrepancy between what was reported by the paying parents and what was reported by the recipients.)

Table 5.1A Reported Incomes of Paying Parents and Recipients in the Full Sample of Parents Interviewed

Income range	Paying parent income	Recipient income
Less than $19,999	24%	36%
$20,000-$39,999	47%	48%
$40,000 or more	28%	16%
Total number of cases	**49**	**79**

Table 5.1B Reported Incomes of Paying Parents and Recipients in Cases in which Both Parents were Interviewed

Income range	Paying parent income	Recipient estimate of paying parent income	Recipient income	Paying parent estimate of recipient income
Less than $19,999	27%	0%	35%	19%
$20,000-$39,999	36%	60%	48%	37%
$40,000 or more	36%	39%	16%	45%
Total number of cases	**30**	**15**	**31**	**16**

5.1.1 Reported Incomes and Compliance

Throughout this section, paying parents have been classified as being in either "high compliance", "moderate compliance" or "low compliance". These three categories correspond to the six categories used in the previous section of this report, with "high" including paying parents who have been fully or almost fully compliant, "moderate" including paying parents who have been "quite" or "somewhat" compliant, and "low" corresponding to those paying parents who have been almost non-compliant or completely non-compliant. As we noted in the previous section, these categories are based on two key measures of compliance, one focussing on the frequency with which monthly obligations were met, and the other focussing on the proportion of total obligations paid.

When we look at the compliance rates of paying parents in the various reported income categories, we see that those in the higher income ranges are more likely to be in high compliance and considerably less likely to have a low compliance record (Table 5.2), although with only five of the paying parents interviewed falling into the low compliance category, this latter relationship may not be indicative beyond this sample.

Table 5.2 Compliance and Annual Incomes Reported by Paying Parent[21]

Annual reported income range	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Less than $20,000	33	4	42	5	25	3
$20,000-$39,999	39	9	52	12	9	2
$40,000 or more	71	10	29	4	0	0
Total	**47**	**23**	**43**	**21**	**10**	**5**

Note: In tables such as this where only the paying parents are involved, the total number of possible cases is 51. In some tables, missing cases (non-responses to questions) reduce the total cases shown.

[21] The percentages in most tables in this section refer to the proportion of cases in each category in the left-hand column that fall into each of the three compliance categories. In Table 5.2, for example, of those paying parents who reported annual incomes of less than $20,000, 33 percent were in high compliance, 42 percent were in moderate compliance, and 25 percent were in low compliance.

Some studies have looked at the size of the support award as a proportion of paying parent income, and suggested that the size of the award did not influence compliance until it exceeded 25 percent of gross income.[22] Our figures from the sample of parents interviewed in P.E.I. indicate that when the award represents 15 percent or less of gross annual income, compliance tends to be higher (averaging about 60 percent of cases in high compliance and only one case out of 32 in the lowest compliance category), whereas when the support award moves above 15 percent, compliance tends to decrease. When the award is between 15 and 25 percent, about a quarter of the cases are in high compliance and most others are in the moderate compliance category. The support award was greater than 25 percent of gross income in only three cases.

Higher incomes suggest a greater ability to pay because there is likely to be greater flexibility and stability to cope with disruptions to income or unexpected expenses. To the extent that this is true, the cases that do not fit the pattern of higher income resulting in better compliance suggest that willingness to pay factors may be more important. Previous research has been inconsistent in its findings with regard to the compliance levels of high-income paying parents; it may be that among high-income paying parents, differences stem from willingness rather than ability, or that "ability/inability" is based upon different kinds of lifestyle expectations.

Among those cases when compliance has been moderate, income levels do not appear to be a strong determinant.

5.1.2 Employment and Compliance

Employment and the stability of employment can be important factors in compliance. This is apparent from previous research and was confirmed in our review of MEP files, where paying parents in default frequently reported disruptions to income because of layoffs, the seasonal nature of their occupations, or injuries or illness. Because the MEPs do not record ongoing employment information, it is not possible for us to link specific missed support payments to employment disruptions. However, we can report what paying parents told us about their employment. Table 5.3 shows employment status at the time of the interview, and indicates whether employment was reported as full-time and generally continuous during the period under study, or disrupted at times (a more detailed breakdown of disruption patterns was not possible with the number of paying parent interviews conducted).

[22] Cited in Alderson-Gill & Associates, 1998, p.3.

Table 5.3 Paying Parent Employment Patterns

Employment status[23]	Percentage of paying parents	Number of paying parents
	%	No.
Full-time when interviewed	67	34
Seasonal when interviewed	24	12
Unemployed when interviewed	10	5
Total	**100**	**51**
Employed regularly through study period	38	19
Disrupted employment through study period	62	31
Total number of cases	**100**	**50**

Most but not all applicable orders and agreements take into account the seasonal nature of a paying parent's employment. Typically, in P.E.I. at least, the support amount is averaged out to include both employed and unemployed periods, and the paying parent is responsible for setting aside enough employment income to be able to maintain support payments while unemployed (in many cases Employment Insurance becomes the basis for payment of support, and the funds are garnished directly from the federal government). Where unemployment extends for lengthy periods or is chronic, the paying parent is expected to seek a variation through the court to lower (or even temporarily suspend) the child support obligation. However, in many cases the paying parent does not do so, and often in those cases the MEP makes a series of attempts to collect the support payments due.[24] In other cases, the recipient may not report the missing payments (presumably aware that the paying parent has no income), and the MEP only realizes the problem after the paying parent's arrears accumulate to a considerable amount.

Both current and continuous employment patterns as reported by paying parents in our sample show a link with compliance. Fully employed paying parents are most likely to be in high compliance (Table 5.4). The income associated with full and stable employment clearly increases the ability to pay child support. When employment is inconsistent, however, other factors may come into play, such as an individual's reluctance to pay child support or the placing of other interests in higher priority. In our interviews with recipient parents, paying parents' difficulties with substance abuse, or what was described in a number of cases as a general lack of responsibility, were viewed as the major contributing factors to the unstable employment. Interviews with recipient parents and with the professionals consulted during the research suggest also that some paying parents have deliberately avoided steady employment, or hidden the fact that they were employed, in order to avoid paying child support. We have no way of knowing how prevalent these factors are in our interview sample, but to the extent that they exist they would extend the explanation of the link between unstable employment and poorer compliance beyond the "ability to pay" model.

[23] Although they were prompted to differentiate between full- and part-time work, none of the paying parents interviewed reported working part-time.

[24] None of the paying parents we interviewed had sought a variation.

Table 5.4 Compliance and Paying Parent Employment

Employment status	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Full-time when interviewed	56	19	35	12	9	3
Seasonal when interviewed	33	4	67	8	0	0
Unemployed when interviewed	20	1	40	2	40	2
Total	**47**	**24**	**43**	**22**	**10**	**5**
Employed regularly through study period	58	11	42	8	0	0
Disrupted employment through study period	42	13	42	13	16	5
Total	**48**	**24**	**42**	**21**	**10**	**5**

The fact that disruptions to employment show a tendency to reduce compliance indicates that paying parents do not generally take advantage of the legal remedy of support order reduction when their income is reduced. Some paying parents in our sample reported that they never bothered to seek a variation because they couldn't afford a lawyer or didn't know how to go about it. With federal government support, the Family Court in P.E.I. has recently introduced a service for helping parents apply for variations, but this is relatively new and not yet widely known.

5.1.3 Money Management and Compliance

We looked at one final indicator of the financial situation of paying parents: their reported money management history. We asked both parents about any debt problems they may have had while together, and also asked the paying parents about their current debt situation. In the first matter, parents generally agreed about whether or not there had been debt problems. In only one case did two parents disagree about the state of their indebtedness when they were together. This lends strength to the accuracy of the characterizations. As Table 5.5 shows, debt problems were frequent in our sample of cases. Table 5.6 shows how paying parents characterized their situations at the time of the interviews. These indicate somewhat better situations on average, but still substantial concerns about financial matters.

Table 5.5 Family Money Management Pre-Separation

Degree of debt problem	*Number of cases*	*Percentage of cases*
	No.	%
Serious	27	29
Some problems, but not too serious	26	28
Money tight, but no debt problems	12	13
No financial problems	28	30
Total	**93**	**100**

Table 5.6 Current Paying Parent Money Management (Reported by Paying Parent)

Degree of debt problem	Number of cases	Percentage of cases
	No.	%
Serious	8	16
Some problems, but not too serious	16	31
Money tight, but no debt problems	8	16
No financial problems	19	37
Total	**51**	**100**

We would expect that cases in which there were money management problems when the family was together might experience a greater problem with defaulting on child support payments. However, this would not necessarily indicate that ability to pay is the primary determinant. Money management problems often result from a combination of income difficulties and poor spending decisions. Where child support default is a problem, it could be argued (and was in many cases by recipients in our sample) that money management problems reflected a higher priority placed on expenses other than the child support.

Table 5.7 indicates that, indeed, compliance is higher among those cases reporting no money management problems. While the picture is not as clear in looking at the reported current debt situation, paying parents reporting serious debt problems are certainly more likely than others to have serious compliance problems, and less likely to be in high compliance (Table 5.8).

Table 5.7 Compliance and Current Family Debt Situation

Reported debt situation	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Serious	33	9	44	12	22	6
Some problems, but not too serious	35	9	42	11	23	6
Money tight, but no debt problems	58	7	25	3	17	2
No financial problems	57	16	39	11	4	1
Total	**44**	**41**	**40**	**37**	**16**	**15**

Table 5.8 Compliance and Current Paying Parent Debt Situation (Self-Reported)

Reported debt situation	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Serious	13	1	63	5	25	2
Some problems, but not too serious	56	9	44	7	0	0
Money tight, but no debt problems	25	2	50	4	25	2
No financial problems	63	12	32	6	5	1
Total	**47**	**24**	**43**	**22**	**10**	**5**

The data we have reported in this section are limited in their value because they rely on self-reported income levels and employment histories, with no objective verification. Assuming they are reasonably accurate, they suggest that income, employment stability and money management are often factors in determining compliance with child support obligations. They also indicate that compliance and non-compliance must in many cases result from other factors besides these "ability to pay" factors. In the remaining sections of this chapter, we examine factors related to willingness to pay.

5.2 Orders and Agreements Relating to Parenting and Child Support

In this section, we examine the orders and agreements that were put in place to establish parenting arrangements and child support, and the arrangements that were ultimately made to share parenting and provide support. First, we look at the type of order or agreement involved, and then we examine the specific provisions regarding the residence of the children, the amount of time to be spent with the children by the parent who is not the primary caregiver, and the amount of child support. Each of these is viewed as factors that may influence compliance, either in themselves or in some combination with the factors considered here or with factors examined elsewhere in this section. One presumption we were interested in examining was whether, if the separation results in arrangements that foster active participation in parenting by the non-resident parent, compliance would be more likely. A second was whether, if the parenting arrangements were viewed as reasonable by both parents, compliance with child support would be more likely.

5.2.1 Type of Order/Agreement

One indicator of the nature of the separation process is whether child support is determined under a court order or by agreement between the parents. In cases when the MEP is enforcing an agreement reached by the two parents (generally, but not always, registered with the court), it is recorded as a support agreement, rather than an order. However, the distinction between an order and an agreement is not as clear as we would like for analytic purposes, because child support is often one of several issues (others are custody, access or the division of assets) being dealt with at once. So, the parents could agree on child support, but the matter might still go to court as part of the overall separation arrangement, and be issued as an order from the court.[25] Still, it is fair to say that support orders are more likely than support agreements to reflect a lack of agreement between the parents about child support. It would be reasonable to expect that compliance would be greater in cases where agreement was reached between the parents without the need for a court order.

Data from the parent interview sample confirm to some extent the presumption about compliance: cases under an agreement are more likely to be in the high compliance category and less likely to be in the lowest compliance category (Table 5.9).[26]

Table 5.9 Compliance and Source of Order/Agreement

Source	High compliance		Moderate compliance		Low compliance	
	%	No.	No.	%	%	No.
Court order	42	29	39	27	19	13
Agreement	53	16	40	12	7	2
Total	**46**	**45**	**39**	**39**	**15**	**15**

5.2.2 Provisions Regarding the Residence of the Children

The most typical immediate post-separation situation in the cases in our sample was that the paying parent moved out of the family home, and no formal arrangement was made for the paying parent to share in the parenting responsibilities. In 63 percent of the cases, the situation was described by both parents as the recipient parent having sole custody of the children. This description may not have the same meaning as a court decision for sole custody, but in practical terms it meant that the children resided with the recipient parent and, to a greater or lesser degree

[25] With the institution of the Federal Child Support Guidelines in 1997, our interviews with parents and with professionals in P.E.I. indicate that child support amounts are rarely a contentious issue once the parents have sought advice from lawyers or used the services of a mediator, because the amounts are not subject to judicial discretion (except when certain questions such as special expenses need to be decided). This, of course, does not mean that the parties are both happy with the child support amounts. It could mean that more court orders include child support terms that were not under contention, but it could equally mean that more agreements are being reached outside the court based on the Guidelines.

[26] This finding concurs with analysis of the National Longitudinal Survey of Children and Youth (Marcil-Gratton and Le Bourdais, 1999, pp. 32-33). As we see later in this chapter, the timing and the way the agreement is reached are also important. These factors may contribute to an agreement between the parents that is not lasting and results in poor compliance.

(or in some cases not at all), the paying parent would take the children for short periods. The children in those cases would never reside with the paying parent on a regular basis. In all but one of the remaining 37 percent of cases, parenting was described as being shared, usually with the recipient parent's home as the primary residence for the children. In one case the paying parent was said to have sole custody, and in three others the primary residence was said to be the paying parent's. In five cases, custody was described as being shared equally. The fact that child support is required by one of the parents usually indicates that the recipient parent has some additional parenting responsibilities, but with a private agreement there could also be a transfer of income in a fully shared parenting arrangement.[27]

Other things being equal, we would expect that parents with an active role in looking after the children (which is certainly indicated by the fact that the children reside with them some of the time) would be more likely to be committed to supporting their financial needs. Parents residing with the children on a regular basis may also have a greater appreciation of the work and expense involved. This can work the opposite way, however. When the paying parent's custody of the children is frequent (say, two or three days a week), the paying parent may consider child support to be unwarranted because he or she is incurring child care expenses as well. Child support awards take these factors into account, but perceptions of fairness in the sharing of expenses (and even actual expenditures) can be complex and don't always coincide with the rationale upon which a support order or agreement is based.

Table 5.10 Compliance and Custody Arrangement

Custody arrangement	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Sole custody of recipient parent	39	24	42	26	19	12
Shared custody*	56	20	36	13	8	3
Total	**45**	**44**	**40**	**39**	**15**	**15**

* Situations in which the children reside with the paying parent on a regularly scheduled basis throughout the year.

As Table 5.10 indicates, the shared custody cases in our sample were substantially more likely to result in high compliance with child support, and also less likely to result in low compliance, than the sole custody cases.

5.2.3 Provisions for Paying Parents' Time With the Children

In the majority of our cases, no set times were established for the paying parent to spend time with the children, which is another characteristic of situations when one parent leaves the family home without making a formal arrangement. In 56 percent of cases, no access/visitation arrangement was made at all, and no subsequent arrangement was made later on. In another 8 percent of cases, an agreement established a rough proportion of the time that the non-custodial parent would spend with the children, but no set days or times were agreed to. This latter

[27] In this sample of cases, there were five in which the paying parent was the mother and the recipient was the father.

arrangement, as with the cases with no arrangement, frequently resulted in limited contact with the children by the non-custodial parent. In the remaining 35 percent of cases, an order or agreement established regular days and times for visitation or for the children to reside with the paying parent.

If the establishment of regular visitation arrangements is interpreted as indicating a higher degree of interest or a greater ongoing commitment to the children, then we might expect higher compliance to follow. It is not uncommon, however, for a lack of formal arrangement early in a separation to reflect one or both partners' reluctance to complete the transition from intimate, relatively free-flowing family relationships to more formally structured ones. Comparing the compliance records of the two groups shows that cases with no agreed upon arrangement for visitation by the non-custodial parent were less likely to have high compliance, and somewhat more likely to have low compliance but only marginally (Table 5.11). The fact that the relationship with compliance is not a strong one suggests that less formal arrangements may, in some cases, still allow the paying parent to maintain a relationship with the children, or that there are other factors more influential in determining compliance.

Table 5.11 Compliance and Visitation Arrangement

Visitation arrangement	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
No set arrangement	43	23	39	21	19	10
Arrangement in place	48	20	40	17	12	5
Total	**45**	**43**	**40**	**38**	**16**	**15**

5.2.4 Provisions for Child Support

A third element of orders and agreements is for child support. In many of our cases, no child support arrangement was made in the immediate post-separation period, but in all of our cases a formal order or agreement was ultimately put in place and was administered (and if necessary enforced) by the MEP. The amount of those orders varies considerably, but the majority were for $300 a month or less. About 16 percent of cases in the interview sample had an order for more than $500 per month (Table 5.12).

Table 5.12 Amount of Most Recent Child Support Orders/Agreements[28]

Size of order (per month)	Percentage of cases	Number of cases
Up to $100	12	12
$101-$200	21	21
$201-$300	30	30
$301-$400	11	11
$401-$500	9	9
More than $500	16	16
Total	**100**	**99**

One might assume that higher child support obligations would be more likely to lead to non-compliance, simply because they could be more difficult to pay or engender greater reluctance to pay. However, support orders, even before the Federal Child Support Guidelines were in place, were based largely on a paying parent's ability to pay. On that basis, a low support amount might be just as much of a burden (or engender just as much reluctance) for one parent as a higher amount would be for another parent who had a higher income. We would expect, then, that the amount of the support order might have little bearing on compliance.

In fact, while the pattern is not completely consistent, there appears to be a link between compliance and the amounts of the orders. That is, the higher the support amount, the greater the likelihood of high compliance. The same does not hold true for low compliance, but the numbers of cases (15 in total) in this category, when divided among the various support order amounts, are too small for meaningful analysis (Table 5.13).

Table 5.13 Compliance and Child Support Amounts

Monthly child support requirement	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Up to $200	33	11	55	18	12	4
$201-$400	51	21	29	12	20	8
More than $400	52	13	36	9	12	3
Total	46	45	39	39	15	15

[28] The breakdown of amounts of support orders in our interview sample is similar to the breakdown for the total sample drawn from the MEP case files, as described in Section 4.2.

A number of explanations are possible for this relationship. As we noted above, the higher support amounts indicate a greater ability to pay, which may correspond to greater employment stability and an increased likelihood that the overall resources of the paying parent would be great enough to deal with any income disruptions that might arise.[29] This explanation highlights the ability to pay as a factor, which we know it is, in at least some cases, from previous research and the earlier section in this chapter. It may also be that, in some cases, the support amounts at the low end are associated with paying parents whose employment instability corresponds to other factors in the family relationship as well. For example, while we did not systematically track cases of substance abuse or other reported psychological or behavioural problems, these were reported by recipients to be contributing factors in some cases, and as having been a problem throughout the relationship between the parents and with the children.

In some cases with lower support amounts, the support order resulted from the provincial social services department seeking repayment of social assistance. In some of those cases in our sample, the paying parent reported a reluctance to pay because the money went to reimburse the provincial government rather than to the children. It is also possible that in those cases, prior to the order being made or even under the order, the paying parent was paying the recipient some amount directly, so the children would benefit from both sources of income.

Also, paying parents with moderate incomes but only one child may have lower support amounts to pay, in which case factors other than ability to pay may be more determinant of compliance.

Paying parents in the $301-$400 a month range show a higher propensity to have low compliance. We see no obvious explanation for this, and will be interested to examine this phenomenon if it emerges with larger sample sizes in subsequent research in other provinces.

In summary, the nature of the most recent orders/agreements for parenting and child support appear to be factors in compliance that are sufficiently important to warrant more extensive future research on compliance in other provinces. Where a parenting arrangement is made that includes shared residence with the children, compliance appears to be higher. When formal visitation arrangements are in place, compliance is marginally higher. The size of the child support obligation appears to matter as well, in that higher amounts result in better compliance. Finally, arrangements in which child support is based on an agreement rather than a court order appear more likely to result in higher compliance.

This section has focussed on the orders and agreements themselves. The process through which they are set in place may also influence paying parents' attitudes about child support, and may provide us with a clearer understanding of how to interpret the findings on the orders/agreements. The next section looks at the separation process, and how parenting and support arrangements came about in our sample.

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[29] Since support orders (and presumably most agreements) are based on expected levels of employment income, ability to pay should be equalized when employment is consistent, but when there is disruption in employment or when unanticipated major expenses arise, the ability to cope with those circumstances while maintaining child support payments may vary.

5.3 The Separation Process

One of the key areas we were interested in exploring in the P.E.I. study was the extent to which the separation process itself might influence parents' attitudes about their mutual responsibilities toward the children and, in particular, paying parents' attitudes toward compliance with child support orders. The separation process was conceived as including both the decisions (and ways of making decisions) of the parents and the various aspects of the legal system that can come into play. This area was of interest because some literature suggests the process itself may influence compliance,[30] and also because, from the Department of Justice Canada perspective, this is an area in which there may be direct policy implications.

Underlying the examination of the separation process is the idea that if paying parents can emerge from the process with a sense of having been treated fairly, with a clear understanding of what their rights and responsibilities are with regard to the children, and with an understanding of what the children will need (financially and otherwise), they will be more likely to fulfil their support obligations.

Procedures that parents go through in separating or divorcing vary to some degree by province, and vary according to their particular circumstances and ability to agree on the important decisions that need to be made. At one extreme, parents are unable to agree by themselves or with the advice of lawyers on important elements of the separation, and the courts end up setting out the parenting and child support arrangements in an order, often after lengthy procedures. At the other extreme, some parents reach agreement (explicit or implicit) and never encounter lawyers, mediators or the courts. Those parents can become involved with the MEP when one of the parents seeks help to enforce the child support agreement the parents reached.

Parents who interact with the legal system usually start by one or the other of them consulting a lawyer. This initial step, according to the professionals and the parents we interviewed, can have a great impact on the direction the separation process takes. Some lawyers place a high priority on reaching an agreement between the parents, and may recommend mediation, counselling, financial advice and the newly available court-based parenting education program. Other lawyers (reportedly in the minority, but still in substantial numbers in P.E.I.) place a higher priority on maximizing the benefits to their own clients, and are more likely to take an adversarial approach.

When an agreement is reached with the assistance of a lawyer or a mediator, it is usually registered with the court as a consent order, and child support in those cases is often paid through the MEP. Most lawyers and mediators, we were told, recommend this approach because they believe that routing child support through the MEP will reduce the need for financial interaction between the parents (which can often be contentious) and increase the likelihood that support will be paid regularly. However, in some cases parents elect not to register with the MEP. In some of those cases, the agreement is subsequently registered with the court and the MEP when support payment problems arise.

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[30] See the review of child support compliance literature in Alderson-Gill & Associates, 1998.

Whatever aspects of the legal process parents encounter through their separation and the arrangement of their affairs, a number of factors may influence how they experience the process and, from the paying parents' perspective, may influence compliance. These are examined below.

5.3.1 Parents' Views of the Separation Process and the Resulting Arrangements

From interviews with parents, we obtained information that reflects the parents' perspective on the way decisions were made about custody, visitation and child support, and what they thought of the outcomes of the process. Their comments on the process include views about the decision to separate, the decision about where the children will reside, the decision about interaction with the children by the parent who is not the primary caregiver, and the decision about child support. In addition, we looked at the parents' satisfaction with the overall parenting arrangements that resulted, their opinion of the amount of the child support obligation, and their views of the legal system as they encountered it.

The decisions regarding parenting arrangements and child support are often made at the same time, or at least within a fairly tight timeframe, but the decisions are not necessarily explicit and can often be revisited or result in disagreements later on. Each of the four key decisions is discussed below.

5.3.1.1 The Decision to Separate

Descriptions of the separations themselves were often detailed, and at times indicative of the nature of the relationship that had existed between the parents. In analyzing the responses, we differentiated according to whether they said it was the recipient parent's decision, the paying parent's decision or a mutual decision. However, we realize that such an event cannot always be described in such stark terms. As the differences between the paying parent and recipient responses show, perspectives can vary. For example, a decision to separate at a given time by one partner might not be mutual on that particular day, but might still reflect mutual recognition that the relationship is failing.

This difference in perspective regarding who made the decision does not appear to matter in examining the link between perspectives on the separation and compliance. From either perspective, when the decision was characterized as mutual there is a greater likelihood of high compliance and a reduced likelihood of low compliance. Table 5.14 is based on paying parents' characterizations of the separation, but the distributions are almost exactly the same using data from the recipient parents' perspective. Also note that compliance is particularly low when the paying parent is seen as having made the decision to separate (although there are fewer of these cases with which to see a reliable pattern). In our sample, paying parents who decided to separate all left the family home and then became the paying parents. It may be that the decision to leave the family home and the (relatively frequent) resulting low compliance indicate a lesser commitment to the family in the first place or outside interests that limit post-separation commitment to the children.

Table 5.14 Compliance and Paying Parents Reporting who Made Separation Decision

Who made the decision	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Recipient parent	42	24	42	24	16	9
Paying parent	31	4	46	6	23	3
Mutual decision	57	16	32	9	11	3
Total	**45**	**44**	**40**	**39**	**15**	**15**

5.3.1.2 Decision About Where the Children will Reside

One might expect that if the decision about where the children would reside was decided without recourse to the courts, there would be greater likelihood of compliance with child support, because custody is so fundamental to the post-separation relationship. However, our data suggest the opposite: if agreement on custody is not reached at the outset and a court order is required, there is a greater likelihood of compliance with child support (Table 5.15). Of the ten cases for which a court order for custody was required at the outset, not one is in the low compliance category.

Table 5.15 Compliance and Paying Parent Reporting who Made Custody Decision

Custody decision	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Parents agreed	41	11	37	10	22	6
Recipient parent decided, paying parent didn't dispute	45	27	40	24	15	9
Court order required*	60	6	40	4	0	0
Total	**45**	**44**	**39**	**38**	**16**	**15**

* These are only cases where a court order was required at the time of separation to settle a disagreement about where the children would reside. We saw in Table 5.9 that many more cases have a court order for child support issued at a later date and that may include custody provisions.

This may be partly because decisions at the time of separation do not necessarily reflect a long-term view of what the two parties wish. For example, a parent moving out of the family home may not have a suitable place to reside with the children. As well, the parent agreeing to be the non-resident parent may be ill-equipped to care for the children adequately for a variety of reasons and may recognize this at the time of the separation, but may nevertheless not be satisfied with the resulting arrangements. A frequent description of the separations that occurred in our sample was that custody was never even discussed. Either the paying parent concurred implicitly that the recipient was the appropriate one to look after the children, or the non-custodial parent left the family home without thinking about the custodial arrangement. (These

cases comprise the second category in Table 5.15, Recipient parent decided, paying parent didn't dispute.)

Paying parents who report this kind of concurrence at the outset often later say they are dissatisfied. What may have been perceived as a mutual agreement at the time of separation is in retrospect seen negatively as the result of ex-partners who have controlled the decision-making process or as the result of discouragement with a system considered biased against paying parents. The language many of the paying parents use in discussing custody and access arrangements is remarkably passive, often including such phrases as "there was no choice". As discussed in relation to Table 5.19 (Views on Fairness of the Legal System.) there are numerous possible explanations for the change of heart expressed by many of the paying parents. It appears, however, for whatever specific reasons, acceptance by the paying parent of the traditional notion of gendered parenting and marital obligations often shifts later to a more egalitarian conception.

The complaint about a system biased in favour of mothers when custody is concerned reflects a change of position for most of the paying parents in our sample who voiced it, since they themselves appear to have shared that bias at the time of separation.

5.3.1.3 Decision About Visitation Arrangements

Parents reaching an early agreement on visitation arrangements appear to show contradictory results—greater likelihood of high compliance, and greater likelihood of low compliance (Table 5.16). When a court order was required, there were no instances of low compliance.

Table 5.16 Compliance and Paying Parent Reporting who Made Visitation Decision

Visitation decision	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Parents agreed	52	16	26	8	23	7
Recipient parent decided, paying parent didn't dispute	41	18	41	18	18	8
Court order required	44	8	56	10	0	0
Total	**45**	**42**	**39**	**36**	**16**	**15**

The decision-making process for custody and visitation was in most cases the same, and it is difficult to make a clear distinction between cases where the parents agreed, and cases where the recipient parent decided and the paying parent didn't dispute the decision, because either one may have resulted from immediate circumstances that didn't necessarily reflect an abiding view of what arrangement would be best. It is apparent, though, that early parental agreement on custody and visitation often results in high child support compliance, but can also be a precursor to low compliance (22 percent and 23 percent respectively of cases in our sample where the parents reached an agreement).

This finding is consistent with what we heard from lawyers, social workers and others professionals interviewed for this study. They have found that in working with separating

parents to reach decisions for the future, parents tend at the very early stages to be highly emotionally charged (usually very upset and at times extremely angry or resentful), and that this can limit their ability to make the best decisions, either with their partners or in dealing with legal counsel or mediators.

5.3.1.4 Decision About Child Support

The early arrangement for child support is different from that for custody or visitation because it does not necessarily have to happen. One way or the other, a living arrangement for the children is established at the time of the separation, and the non-resident parent (both parents could, of course, be non-resident with the children, but there were no such cases in our sample) spends some time with the children or does not—there is a de facto arrangement made. In the case of child support, our sample indicated that frequently no arrangement is made at the outset. In many cases, there is simply no child support provided until a formal arrangement is agreed to later through lawyers or mediators or the court. Some custodial parents decide early on to seek help in obtaining support because it is obviously needed or they consider that they have a right to it. Others report not wanting to bother because they want to sever the relationship with their partner or because they have no expectation that support will be forthcoming in any case.

In comparing cases when an agreement was reached on child support with cases for which a court order was required (or no support was forthcoming at all for an extended period), the support agreements show a greater likelihood of high compliance (52 percent compared to 40 percent), and also a somewhat greater likelihood of low compliance (18 percent compared to 13 percent). This, again, is consistent with the findings on custody and visitation decisions.

Mediation is increasingly recommended to parents by family law lawyers as a way to reach agreement on contentious separation issues without having to resort to the courts. This is the case in P.E.I. as elsewhere in Canada. Our sample of cases ranges considerably as to how long they had been registered with the MEP at the time of the research. Many of the cases were well established before mediation became popular. However, in 15 cases the parents went to a mediator, and we were interested to see whether the mediation process might have had an influence on child support compliance. Notably, only one case among those 15 falls into the low compliance category. The remaining 14 cases are equally divided between the high and moderate compliance categories. Research in other provinces, where numbers of relevant cases will be higher, will be able to shed more light on the influence of mediation.

To summarize, in looking at the parents' descriptions of the decision-making process at the time of separation, we have seen that when agreements (explicit or otherwise) are reached at the time of separation or soon afterward, there is a greater likelihood of high compliance and also a greater risk of low compliance. In many cases, the early agreements appear to reflect a lasting view of what is acceptable to both parents, or else those parents revise their agreements so that compliance with child support is maintained. In many other cases, however, the agreements appear not to be lasting, and lack of due consideration at the time of separation, or lack of input from mediators, lawyers or the court, results in circumstances that appear to contribute to low compliance. The kinds of early agreements (explicit or implicit) that determine a great many post-separation parenting arrangements, and how they are arrived at, appear to be important factors that warrant focussed attention in future research in other provinces.

5.3.1.5 Parents' Views on Parenting Arrangements

In the subsections above, we examined parents' descriptions of the process by which orders and agreements were established. Here we are interested in parents' views of the resulting arrangements for parenting and child support. With regard to the parenting arrangement, our presumption was that paying parents who are satisfied with the living and parenting arrangements would be more likely to comply than those who are not satisfied. Contrary to what we expected, the modest differences between the two groups in terms of compliance shows that those not satisfied were only slightly more likely to have a high compliance record and less likely to have low compliance.

Dissatisfaction with the current arrangements is particularly interesting in light of our earlier finding that the decisions regarding custody and access arrangements were made with little or no opposition from the paying parents (in contrast to support arrangements, which appear to have been more readily resisted). For whatever reason, many paying parents who were initially satisfied with (or perhaps resigned to) the arrangement express dissatisfaction in the present. It is unclear whether this is due to genuine regrets about changes in the paying parent-child relationship wrought by the arrangement, a response meant to portray greater parental involvement than circumstances would suggest, dissatisfaction with currently perceived unfairness between support obligations and entitlements or privileges as a non-custodial parent, or some other reason. Some paying parents said that if they had the children with them for a greater proportion of the time, they could pay less support.

5.3.1.6 Parents' Views on Child Support and Compliance

To identify possible reasons for parents' compliance or non-compliance with their child support arrangements, we recognized that it would not be sufficient to simply ask paying parents in default why they hadn't been paying. First of all, there is a strong possibility that they would not see it as in their interest to suggest reasons other than an inability to pay. Also, we recognized that in interview situations such as we conducted, there is a propensity for respondents to answer sensitive questions in a way that will describe them in a positive light. In fact, some of the respondents who are recorded at the MEP as being in default told us they were up to date with their support payments (the recipients' perspective was more in line with the MEP record). Finally, we expected, based on previous research,[31] that the reasons for compliance and non-compliance would in many cases be complex and include a number of interrelated elements. Our approach has been to address the issue from a number of different angles. We did, however, ask paying parents and recipients some questions directly related to the payment of support.

We anticipated that paying parents who were satisfied with their support obligation would be more likely to be compliant than those who expressed dissatisfaction. Asked whether they considered the amount of child support they were required to pay was reasonable, two-thirds of paying parents said they believed the amount was unduly high. However, those paying parents who were dissatisfied with the size of their support obligation were more likely to be compliant than those who reported being satisfied. The "dissatisfied" paying parents were, as we had anticipated, also more likely to be low compliers (Table 5.17). This apparently contradictory

[31] Literature reviewed in Alderson-Gill, 1998.

finding suggests that the amount that paying parents are required to pay may be less relevant than other factors, including the fact that they have to pay support at all.

Table 5.17 Compliance and Paying Parents' View of Child Support Obligation

View of child support obligation	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Satisfied	42	8	53	10	5	1
Dissatisfied	50	16	38	12	13	4
Total	**47**	**24**	**43**	**22**	**10**	**5**

Paying parents who expressed dissatisfaction with the child support they were obliged to pay were asked to elaborate. The predominant reasons given for the dissatisfaction were related to ability to pay. Some paying parents also cited reasons having to do with willingness to pay. The reasons given by 50 respondents are provided below. In some cases, several reasons were given, and in others, no reason was given.

With respect to ability to pay, reasons cited were:

- support amount too high for income (12 respondents);
- amount doesn't take into account employment fluctuations (11 respondents);
- too many other expenses (5 respondents); and
- new family to support (5 respondents).

With respect to willingness to pay, reasons cited were:

- no say over how children are raised (4 respondents);
- no say over how money is spent (4 respondents);
- she has new partner and he should pay (4 respondents);
- recipient parent spends money on herself (3 respondents); and
- not enough access to the children (2 respondents).

For reasons discussed above, it is difficult to draw conclusions based on these responses, except to note that there are quite a variety of reasons offered and that both ability to pay and willingness to pay (or perceptions of unfairness) are suggested. In some cases, even when unwillingness to pay was not expressed in response to our questions, it showed up elsewhere in the interview. When this occurred, the usual theme was a suspicion or resentment that the money was not fully benefiting the children, or that the ex-partner was not in need of the amount being paid. More than two-thirds of paying parents said they were currently up to date with their

payments (whereas we know that in the sample of cases for which the paying parents themselves were interviewed, fewer than 50 percent were in full compliance at the time of the interview).

Recipients of child support had a somewhat different perspective on why they had difficulty in getting the support they were entitled to. Of the 79 recipients interviewed, 47 indicated that they had experienced difficulties obtaining their support. The reasons they suggested (which many readily admitted were speculative) were related to ability to pay:

- employment problems (5 respondents);
- unable to pay for some other reason (3 respondents);

and to willingness to pay:

- too angry with me, regardless of kids (8 respondents);
- unwilling to pay for some other reason (7 respondents);
- no idea at all (7 respondents);
- places higher priority on other expenses (6 respondents);
- only thinks about himself (5 respondents);
- doesn't realize the cost of raising kids (3 respondents);
- thinks I use money for myself (3 respondents).

It is clear that from the recipients' perspective that willingness to pay factors are predominant. In the interviews, recipients commonly pointed out that while they were sure money was tight for the paying parent, they nevertheless managed to find a way to cover their car or truck payments and other expenses that are arguably less critical than providing for their children. We cannot assume, of course, that recipients had full knowledge of their former partners' financial situations, nor can we ignore the possibility that their responses may have been influenced by their own feelings about their former partners and the difficulties that non-compliance had caused for them. The fact that so many recipients cited "unwillingness" by their former partners as the reason for their non-compliance suggests, at least, a mistrust that in itself may be indicative of the kinds of relationships that foster non-compliance.

5.3.1.6 Parents' views of the legal system

In the interviews with parents, we asked them to describe in their own words what they thought of the legal system for separation and divorce, including child support. They were prompted as well to comment on whether the system was usually fair to both recipient parents and paying parents, or was unfair to one or the other. While recording the open-ended responses to these questions, the interviewers also noted whether particular elements of the system were the subject of either positive or negative comments.

As Tables 5.18 and 5.19 indicate, there were some differences in the perspectives of the paying parents and recipients, but in general it is fair to say that the "system" was not highly regarded by many of the parents in our sample. As predicted by the professionals we interviewed, lawyers especially were identified as being a major source of complaint. Seventy percent of the paying parents and 40 percent of the recipients of child support complained about their lawyers without being prompted, primarily relating to their high cost, but also in terms of what they got out of the legal process and whether they felt their lawyer(s) had been looking out for their best interests. It is important to note that often their only contact with the system had been lawyers or mediators and the MEP office—most did not go to court for a hearing. Their views of the system (and of lawyers) often reflected other sentiments they expressed, for example, that the system was unable to give them what they viewed as fair (reliable and sufficient child support or, in the case of some paying parents, adequate consideration of their own financial obligations or value as parents).

Table 5.18 Opinions of the Legal System

Opinion	Paying parent's perspective		Recipient parent's perspective	
	%	No.	%	No.
System generally good	18	9	22	17
Some aspects good, others not	24	12	33	25
System generally not good	58	29	46	35
Total	**100**	**50**	**100**	**77**

Table 5.19 Views on Fairness of the Legal System

View on fairness	Paying parent's perspective		Recipient parent's perspective	
	%	No.	%	No.
System fair to both parties	27	11	41	25
System unfair to men	66	27	2	1
System unfair to women	0	---	39	24
System unfair to both parties	7	3	18	11
Total*	**100**	**41**	**100**	**61**

* The nature of the responses regarding general opinions of the legal system and its fairness were interpreted from the responses to open-ended questions. Table 5.19 reports only those cases in which respondents made specific reference to fairness, without being prompted.

If the views of paying parents about the legal system relate to compliance, we might expect that those who think the system works well and is fair would be more likely to be in compliance than those who have a negative view of the system. But in our sample, those with the highest opinion of the system proved least likely to be in the high compliance category (33 percent, compared to 52 percent among those who said the system was generally not good, and 42 percent among those who said some aspects were good and others were not). Even paying parents deemed to be fully compliant over long periods of separation sharply criticized the system, usually for a purported lack of connection between support and custody or access. These findings suggest that while parents' view of the legal system may be quite negative, this does not typically translate into a decision not to comply with an order or agreement.

To summarize, paying parents reported a high level of dissatisfaction with the arrangements they had for parenting and child support, even though in a majority of cases there was initial agreement (explicit or otherwise) about who the children would reside with and what kind of contact would be maintained by the non-resident parent. However, this dissatisfaction did not appear to influence the likelihood of compliance with child support. In fact, parents who were unhappy with the amount of child support they were expected to pay were more likely to be in compliance than those who said they were satisfied. Since it is unlikely that the dissatisfaction in itself promotes compliance, it would appear that other factors are more important.

In explaining non-compliance, paying parents referred most often to their inability to pay, whereas recipient parents said that "willingness to pay" factors were more likely the reason for defaults.

Both paying and recipient parents expressed a poor opinion of the legal system for separation and divorce, and cited their lawyers in particular as being a problem. However, dissatisfaction with the legal system, as they encountered it, did not appear to influence compliance.

5.4 The Relationship Between Paying Parent and Children

It was noted in the literature review done prior to this study that some research suggests a link between the nature of a paying parent's relationship with his or her children, and the likelihood that the parent will meet child support obligations. In this section we look at measures of the quality of that relationship, both before separation and after.

5.4.1 Relationship Pre-Separation

The link is not a simple one, of course, but one intuitive premise is that non-custodial parents who have had a close and loving relationship with their children and have participated actively in their upbringing, will be more likely to pay child support than parents who have been more remote in their children's lives.[32] To examine this premise, the interviews conducted for the P.E.I. study included a series of questions about the relationship between the paying parent and the children before separation. The same questions (slightly reworded in some cases) were

[32] Research suggests that for some fathers who have been close to their children in the intact family, separation can result in a disengagement because of their changed role and reduced ability to influence the children's lives. (See references to Kruk, 1995, and Mandell, 1995 and 1998, in Alderson-Gill & Associates, 1998, p.7.) Those studies did not investigate the actual impact of this disengagement on child support compliance in specific cases, but they suggest an alternative analysis to the intuitive premise examined here.

asked of both paying parents and recipients. The results suggest that in the P.E.I. sample the pre-separation paying parent-child relationship is by some measures an influencing factor, and by others not, in itself, a predictor of compliance or non-compliance.

Two quantitative measures of the nature of this relationship were examined. The first is the length of time that the paying parent lived together with the children in the complete family. We may expect that the longer the paying parent had lived with the children before separation, the more likely that parent would be to meet child support obligations, because the bonds would be stronger and there would be a greater recognition of what was required to maintain the household with children. The data in P.E.I. showed little association with compliance. Differences in compliance among parents who had lived for different periods of time with their children were marginal, and the only outstanding figures show up where the numbers of cases are too small to be meaningful. Those paying parents who separated prior to, or soon after, the birth of their child, yet are highly compliant, represent an anomaly. The question of what this reflects will be raised below in the discussion of alternative views of marriage and family.

The second measure is whether or not the children for whom child support is supposed to be paid represented the paying parent's first family, the presumption being that ties to the first family of children may be different from those to a second family, or that multiple families may influence the sense of responsibility for providing support that a parent feels. By this measure, a somewhat higher proportion of "first family" paying parents are complying with child support orders/agreements than "not first family" paying parents, and a somewhat lower proportion of "first family" paying parents are among those complying least with their orders/agreements. However, the differences are relatively small, and the since there are only 11 "not first family" paying parents in the sample, a meaningful association cannot be drawn.

Aside from these two quantitative measures, the interviews included questions about the parents' views of the paying parent-child relationships. In responding to questions about their pre-separation relationship with their children, all paying parents were consistent in reporting positive relationships. Two features of their characterizations of these relationships are rather striking: the descriptions are uniformly very vague, generally ranging from "good" to "really good" or "great". Prompting for details rarely elicited anything more than "loving" or "close" and in the case of infants and toddlers, "easy" or "simple". The second feature is the predominance of play and recreational time spent with the children during the marriage relative to involvement in caretaking activities, involvement in homework or supervision of play with other children. This reflects a traditional gendered division of parental labour. There were several exceptions: paying parents who had been seasonal or shift workers or unemployed for a time report being more involved with their children when they were not working, and in a few instances paying parents report that they did the majority of caretaking because the recipient parent was often "out partying" or otherwise not meeting her responsibilities.

We can speculate that for paying parents whose time with their children was generally recreational and concentrated mostly on weekends, the conditions imposed by post-separating visitation might not be experienced as very different from the original pattern of involvement. In fact, while paying parents do often note that they have less contact with their children and would like to have more, their descriptions of post-separation relationships do not differ substantially

from the pre-separation ones. Some even point out that they spend more "quality time" with their children since the separation occurred. In summary, regarding the pre-separation relationship between the paying parent and the children, we found that by the measures examined here it was not in itself a major factor in determining child support compliance in our sample of cases.

5.4.2 Post-Separation Relationship

When we look at measures of the relationship between paying parents and their children after separation, there appear to be some indications of an influence on compliance. A reasonable premise here would be that paying parents who spend more time with their children after separation, and who participate actively in their care, would be more likely to be in compliance.

Again, several measures were used, and some show a stronger association than others. One factor that shows a clear trend is the extent to which the children reside with the paying parent after the separation (remembering that in all of our cases the "paying parent" is expected to pay child support, indicating normally that the children live with the paying parent less than they do with the "recipient" of support). In our sample, compliance rates fall steadily as residence with the paying parent decreases (Table 5.20).

Table 5.20 Compliance and Residence with Children

Children reside with paying parent	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Part of every week	61	14	35	8	4	1
Part of every month	50	10	45	9	5	1
Occasionally	39	5	23	3	39	5
Never	34	12	51	18	14	5
Total[33]	**45**	**41**	**42**	**38**	**13**	**12**

This issue is complicated by the fact that some paying parents live in a different province or in P.E.I. but a substantial distance away from the children. They may fall into the "occasionally" or "never" categories above, but may still pay child support in full. The fact that they don't generally have the children staying with them may not be a matter of day-to-day choice, and may be influenced by employment or other factors that separate them geographically. Of course, it can also be argued that these circumstances may reflect priorities not in keeping with the notion of fully supporting the children. In any case, it is difficult to factor the "out of province" element into the above analysis, because there is often considerable movement in and out of province and residences in some cases have changed over time.

The results are less pronounced but still of interest when we look at how often the non-custodial parent sees the children (as opposed to residing with them). Paying parents who see the children more than one day every week remain more highly represented among those who pay support

[33] In eight cases it was unclear whether, or how much, the children resided with the paying parent.

regularly, and none of them fall into the low compliance category, but there is little difference in compliance between those who see the children one day per week or some time every month and those who rarely or never see them.

5.4.2.1 Reasons for Limited Time with Children

Time spent with the children is not necessarily a regular phenomenon, of course. For 35 of the 51 paying parents interviewed, contact with the children was reported to be less frequent at the time of the interview than during the early period following separation. To understand how time spent with the children after separation might influence compliance, it is important to consider the reasons why some paying parents might spend less time than others with their children. We inquired about the reasons for the reduction in contact and got a variety of answers that differed substantially between paying parents and recipients. In some cases, several reasons were given.

Paying parent responses (21 paying parents interviewed reported reduced contact).

- Seven said they lived further away, so frequent contact was more difficult.
- Five said the other parent prevented them from seeing the children.
- Five said the children were older and had their own lives now.
- Three said that while the other parent didn't actually prevent contact, it was discouraged and therefore harder to maintain.
- One said the children were no longer interested in seeing him.

Recipient responses (28 recipients interviewed reported reduced contact; in some cases these correspond to the paying parents above).

- Fourteen said the paying parent had moved away.
- Six said the paying parent looked after himself first, and so didn't care as much about the children.
- Five said that anger toward the custodial parent caused the reduced contact.
- Three said the reduced contact was due to anger about child support obligations.
- Two said the paying parent blamed the children for not maintaining more contact.

The discrepancy between the frequent reporting by paying parents of interference with or prevention of access, and the absence of reports by the recipient parents that access has been withheld is a significant one. It would be simple, of course, to conclude that one group or the other is misrepresenting reality, particularly when such a conclusion might support arguments on one side or the other for changes to policy governing custody and access. Practitioners (lawyers, social workers and mediators) recognize that in some cases access is indeed withheld, and that in some cases paying parents fail to exercise access as agreed or ordered. In either case, there may

be perceived justification for such conditions. Paying parents may reduce contact for emotional reasons, self-interest or for other reasons not yet fully understood. Recipient parents may withhold access for emotional reasons, due to perceived concerns about the children's well-being under their paying parent's care, concern about the effects of irregular visits, anger over missed support payments, or for other reasons.

Given the connection that some paying parents in our sample made between payment of support and availability of access, however, and given that the connection is frequently made by advocates for changing how the courts handle access and child support issues, there may be implications for compliance in the claims of denied access that require closer investigation. Whether the withholding of access is real, perceived or bogus, it appears to be linked in paying parents' minds with their willingness to pay. This link sometimes persists even in cases when support has always been paid regularly and fully. The question this raises is: Why do some paying parents who experience or perceive access problems continue to pay while others do not? There is also a question, in cases when there is a link between lack of access to the children and the withholding of support, of whether irregular or non-compliance with child support obligations was the original cause of withholding access to the children.

Clearly, access alone is not a major determinant, but it may be a contributing factor in some cases. Whatever the reasons, limited contact with the children appears to reduce the likelihood of compliance.

As a measure of the quality of the relationship between paying parent and children, we asked respondents about the extent to which paying parents were involved in the care and regular activities of their children (essentials, such as school and medical matters, as well as formal activities of the children, such as organized sports or clubs). A reasonable presumption here is that parents who are actively involved in the children's care and upbringing would be more likely to pay support.

A remarkable finding here is that about 50 percent of the paying parents said they had no involvement (even though some of those saw the children on a fairly regular basis), and about 86 percent of the recipients said their former partners had no involvement in the children's care and regular activities. When we look at the compliance records of the paying parents, we see that our presumption is borne out to some extent: about 55 percent of "involved" paying parents have a high compliance rate, compared to 41 percent of those "not involved" in child care. However, both involved and not involved paying parents are equally represented (15 percent) in the low compliance category.

By the measures used in this study then, it appears that paying parents who reside with their children some of the time in the post-separation years, or who see their children very regularly and often and participate in their care and essential activities, are more likely than others to comply with child support obligations. Analysis by the National Longitudinal Survey of Children and Youth shows a link between contact with the children and payment of child support as well (Marcil-Gratton and Le Bourdais, 1999, 33-35). However, a variety of factors contribute to explaining why some paying parents spend more time with their children than others do, and none of these factors stands out as predictive of compliance behaviour. The nature and

determining influence of time spent with the children by paying parents warrants examination in future research.

5.5 The Relationship Between the Parents

To the extent that "willingness to pay" factors influence compliance, we can expect that the relationship between the recipient parent and paying parent will in some cases have an impact on whether or not, and how regularly, child support obligations are met. The relationship between the parents can be characterized by direct indicators, such as how they report getting along, and less direct measures, such as the kinds of issues they report as being problematic, including visitation or decisions about the children's upbringing. As well, we can expect some change over time in the relationship. We were not able to track the kinds of changes in detail, but we did record some information about the pre-separation and post-separation relationships. The overall premise is that indicators of a more positive relationship will tend to correlate to higher compliance. Nevertheless, we are dealing here with parents who have separated despite having children, so some degree of disagreement on fundamental issues is highly probable.

5.5.1 Parents' Pre-Separation Relationship

As one measure of the pre-separation relationship, we inquired about whether the parents had been married or lived common-law, or had a more casual relationship. About two-thirds of them had been married, and another 14 percent had lived common-law. The remainder said they had never lived together (except in three cases, in which one of the parties said they had lived together for short periods). The nature of the relationship, however, did not appear, to be a strong influencing factor in compliance in our sample. If anything, those who had not lived together tended to be slightly more highly represented in the high compliance category than those who had been married, and less likely to fall into the low compliance category. The numbers of cases were too few to be indicative of a pattern, however, especially in the low compliance category.

We also examined the duration of the relationship between the parents to see whether longer relationships (which suggest a longer mutual commitment) could be linked to higher compliance. The data show mixed results. On the one hand, shorter relationships tend to be less likely to have high compliance. But the reverse is true with regard to the low compliance group—the longer lasting relationships are linked more strongly with low compliance. This suggests that perhaps a longer pre-separation relationship can have an influence at the two extremes—it can result in stronger cooperation after separation or it can have the opposite effect.

It may be instructive in future research to learn more about the motivations of compliant paying parents from short-lived or uncommitted relationships, particularly in cases when the separation occurred before or soon after the child's birth, or when the paying parent and child never lived together. Possibly some men in uncommitted relationships who separate from a woman they did not wish to marry feel that paying child support is a reasonable and responsible way to get themselves out of a lifetime relationship with that particular woman. It might be fruitful to directly ask paying parents who pay under these circumstances, when we might expect otherwise, what motivates them to do so.

One rather blunt indicator of the nature of the parents' relationship is violence. Many of the mothers interviewed reported that their former partners had threatened them with physical violence (50 percent of respondents) or had actually assaulted them while they were together (40 percent). The existence of such violence in the pre-separation relationship (or at least the reporting of it) appears to have only a moderate connection to compliance patterns. Paying parents who were reported to have *threatened* violence were just as likely in our sample to have high compliance rates than other paying parents, but they were somewhat more likely to show low compliance. Similarly, paying parents reported to have assaulted their former partners were somewhat more likely to have a poor compliance record.

These are quite striking figures, even given the turbulent nature of many marital separations and the differences the two parties might have in their perceptions of what constitutes violence. Perhaps not surprisingly, very few references were made by the paying parents to any violent threats or actions. The most explicit came from a paying parent who clearly regretted the separation, reporting that he had been charged with assault and ordered to leave the marital home. Even he, however, did not actually state that he had acted violently. In any case, we can only speculate about the incidence of reportedly violent paying parents at both ends of the compliance spectrum. It is conceivable that some paying parents, as in the example above, feel remorse for their violent behaviour, particularly if they feel it contributed to the separation. Perhaps such paying parents are more likely to comply with support. In cases where paying parents are not remorseful or do not recognize their violence as problematic, they may simply be persons who are not inclined to accept responsibility.

5.5.2 Parents' Post-Separation Relationship

In considering the post-separation relationship between parents, we looked at how the parents characterized the nature of the relationship, whether or not significant problems were identified, and at problems reported concerning some specific issues: visitation, money and child-rearing. In more than one-third of the cases in our sample, no contact at all was reported between the parents, not even to exchange the children or discuss issues. In a majority of the cases when contact was reported, the contact had to do with the children or money alone—only 16 percent of cases reported occasional or regular social contact between the parents at the time of the interviews.[34] Cases in which there was some social contact between the parents were less likely to have a strong compliance record than either those with no contact at all or those in which the

[34] Some variation existed in how the two parents characterized the relationship, in cases when we interviewed both parents. The figures above reflect the paying parents' perspective, when differences occurred. If we consider the recipient parents' perspective, only 12 percent involved some social contact.

only contact was in relation to the children and the exchange of money. Those same cases with some social contact were also more likely to have lower compliance records than the others (Table 5.21).

Table 5.21 Compliance and Type of Post-Separation Contact Between Parents

Type of contact	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Some social contact	27	4	47	7	27	4
Contact about children, money only	54	20	38	14	8	3
No contact at all	54	20	32	12	14	5
Total	**49**	**44**	**37**	**33**	**14**	**12**

The parents also characterized their post-separation relationships in terms of how friendly or hostile they were toward each other. The majority (58 percent) said they were on generally friendly terms (and this varied little between the two parents, in cases when we interviewed both former partners). The remaining respondents characterized their relationships as either tense and impersonal (26 percent) or hostile (16 percent). Those with the more friendly relationships were somewhat less likely to be low compliers and more likely to be highly compliant. However, the "hostile" cases also showed up in the high compliance group in higher proportion than the "tense, impersonal" group.

Overall, based on our data, it is fair to say that general characterizations of the parents' relationships do not correlate strongly to compliance. Also, the fact that a parent or both parents identified a specific issue such as visitation, money or child-rearing as a problem in the post-separation relationship did not appear to relate to compliance. There was one exception. When child-rearing was identified as an issue between the two parents (i.e., when the parents disagreed about child-rearing decisions or approaches), there appears to be a link with compliance rates. In cases when this was identified as a problem, paying parents were less likely to be highly compliant and much more likely to have a poor compliance record (Table 5.22).

Table 5.22 Compliance and Child-rearing as an Area of Conflict

Child-rearing as an issue	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Yes	31	5	38	6	31	5
No	46	19	44	18	10	4
Total	**42**	**24**	**42**	**24**	**16**	**9**

The paying parents who complained about child-rearing issues in the present sometimes expressed a perception of loss of influence over the child's development, presumably moral and lifestyle development. This has connotations of loss of parental role and identity that was discussed in the literature review for this study. We can speculate that this may contribute to unwillingness to pay, particularly when the perceived loss is combined with a belief that support should be linked to access. There is also possibly an element of control involved, in that as control of one's role in the child's life is felt to be lost, control is increased over the tangible area of child support.

5.5.3 Other Post-Separation Factors

Some aspects of the post-separation relationship do not relate directly to the interpersonal relationships involved, but may nevertheless indicate the strength of ties between the paying parent and the children, or may indeed influence those ties. These aspects include the length of time the parents had been separated when the interviews took place, and new relationships that may have developed for either parent. In our sample, both of these factors appear to be linked to compliance.

5.5.3.1 Time Since Separation

The parents we interviewed ranged widely in the amount of time they had been separated from their former partners. One might expect that time outside the family household might gradually diminish some paying parents' sense of responsibility to support the children, or their understanding of the requirements of maintaining a household with children, and that these might lead to lower compliance. Alternatively, the tensions, hostility or disagreements on specific issues between separating couples that could contribute to non-compliance may be expected to diminish over time, resulting in higher compliance in later years. Relating the separation time to compliance in our data shows that high compliance diminishes as the time since separation increases. Similarly, the likelihood of having a low compliance record is greater if the time since separation is greater than two years (Table 5.23).

Table 5.23 Compliance and Time Since Separation

Years since separation	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Up to 2 years	83	5	17	1	0	0
2-6 years	49	22	33	15	18	8
More than 6 years	36	16	49	22	16	7
Total	**45**	**43**	**40**	**38**	**16**	**15**

A number of factors related to the time *since separation could help explain this relationship*. For example, a longer time period presents a greater opportunity for employment or other income-related problems to occur. It also increases the opportunity for problems to crop up between the parents, or between the non-custodial parent and the children. With the passage of time, children mature and become more independent, which many paying parents say accounts for why they spend less time with them ("they have their own lives now"). While many paying parents have described their relationship with their very young children as "easy" or "simple", it may become increasingly difficult for these parents to relate to their children as the latter become older, more complicated and, at the same time, less intimately known. Some children may withdraw from the parent as time goes by and judgements of blame and loyalty develop. The perception of rejection by one's child may influence a parent's willingness to pay, especially if the paying parent perceives that the recipient parent has contributed to the deterioration of the relationship. This may also be connected to paying parents' complaints about interference with access.

5.5.3.2 New Relationships

Time since separation also increases the opportunity for the parents to get involved in new relationships and take on additional family responsibilities that place demands on available income. This can be an issue in a considerable number of cases. In a recent Statistics Canada study, Galarneau and Sturrock found that "a significant proportion of both men and women became part of a couple in the years following separation. Though men did so earlier, the gap between the sexes was small; one year after separation 30 percent of men and 26 percent of women had formed new unions. The gap widens with time, however; five years after separation 54 percent of men had a new partner, but only 45 percent of women did."[35]

New relationships are apparently quite common, and they have the potential to reduce compliance. When the recipient parent enters into a new relationship, some paying parents respond by viewing their responsibility to support the children of the previous relationship as diminished. When the paying parent enters into a new relationship, there can be pressure to direct available income toward the new household and family. On the other hand, if child support compliance is weak because of tensions between the parents or anger or hurt on the part of the paying parent, a new relationship may have the opposite effect.

The interview responses in our sample show some increase in compliance when the paying parent enters a new relationship, and a decrease when it is the recipient parent who finds a new partner. In both cases, however, paying parents with low compliance records do not appear to be influenced by the emergence of a new relationship (Table 5.24).

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[35] *Family Income After Separation*, Galarneau, Diane and Sturrock, Jim; Labour and Household Surveys Analysis Division, Statistics Canada, March 1997.

Table 5.24 Compliance and New Relationships

New relationship	High compliance		Moderate compliance		Low compliance	
	%	No.	%	No.	%	No.
Paying parent has new relationship	50	34	37	25	13	9
Paying parent does not have new relationship	33	7	52	11	14	3
Recipient has new relationship	40	19	43	20	17	8
Recipient does not have new relationship	49	16	33	11	18	6

In looking at the relationship between the parents then, our findings are mixed. The fact that some parents had been married or living in common law, while others had had more casual relationships, did not appear to influence compliance. Longstanding pre-separation relationships appeared to have results at the extremes; these parents were more likely than others to pay regularly and in full, but also more likely to have low compliance records. Partners who maintained some social contact after separation were substantially less likely to comply with child support than others who had little or no relationship with their former partner. However, relationships described by the parents as hostile or tense were as likely to be in compliance as those described as friendly.

Access to the children by the paying parent, and money issues, even though they were raised as problems in some cases, did not correlate with compliance or non-compliance. However, when child-rearing issues were raised, there was a clear link. Paying parents with strong concerns about the child-rearing practices of the recipient parent were more likely to be in default.

The data showed a clear link between the amount of time that had passed since separation and compliance levels. As time since separation increases, compliance decreases. When the recipient enters a new relationship, compliance also tends to decrease. However, when the paying parent enters a new relationship compliance tends to increase. Future research with greater numbers of cases will allow us to examine how the time and new relationship factors interact with each other.

5.6 Non-MEP Cases

The P.E.I. research centred on parents whose cases were registered at the province's Maintenance Enforcement office. However, the review of literature that the Department of Justice Canada conducted as a basis for this research, and our own discussions with people in P.E.I. who work with separating parents, indicate that there are some, and perhaps many, parents who never register their child support agreement with the MEP. Because little is known about the characteristics of these cases, it was decided to include in the P.E.I. study a small number of interviews with such parents. The purpose was to see if any particular characteristics stood out as noticeably different among those parents, as compared to the "MEP" parents.

As we noted in Chapter 2, this additional research element was adopted as an exploratory first step in looking at this issue. No attempt was made to identify and randomly select a sample of "non-MEP" parents. Rather, we obtained names of parents through our contacts with lawyers in P.E.I. who would agree to participate in an interview. Other avenues were considered, but were deemed to require more time and effort than was available in the context of the P.E.I. study. Ultimately, the method proved insufficient. Our contacts were unable to provide as many names as we had originally thought possible, and some of those names did not result in interviews. Ultimately, 10 interviews were conducted, all with mothers who were the parents with whom the children resided and who were receiving child support.

Because of the small number of interviews, it was not possible to examine links between case characteristics and compliance. Also, because the child support amounts and the extent to which they have been paid or not are based only on what was reported to us by the parents, with no verification of their accuracy, we would have to be cautious about any interpretations in any case. What we can do with the available interview responses is report on some of the case characteristics that emerged, to see if there are any patterns that differ from the MEP cases. These are described below.

5.6.1 Employment and Income

Figures on the non-MEP parents' income and employment are limited in the same way as the MEP cases by the fact that we are relying on reported estimates with no verification. Also, in the non-MEP cases we have only the recipient parents' estimates of the paying parents' circumstances.

In relation to income, four of the ten women interviewed declined to estimate their former partners' current income because they did not feel they could accurately estimate it. Of the six who did estimate, one reported an annual income of less than $15,000, two reported incomes in the $20,000-29,999 range, two in the $30,000-39,999 range and one in the $60,000 or more range. This compared to their own reported incomes, six of which were less than $15,000 and three of which were in the $20,000-29,999 range. Seven of the ten women interviewed were currently, or had at one time been, collecting social assistance. These reported income levels are substantially lower on average than the figures for the MEP population, but that is likely due to the fact that many of the names for the interviews were provided by the legal counsel at the social services office, rather than being indicative of non-MEP parents as a whole.

Unlike the MEP cases, in which only two-thirds of paying parents reported being employed full-time at the time of the interview, all of these non-MEP parents said that their former partners were employed full-time. Two reportedly work in a professional capacity, three in a skilled labour position, and the remainder in unskilled labour. Their assessments of money management circumstances, while they were in line with the MEP cases, were evenly divided between having serious problems, some problems and no problems at all.

5.6.2 Agreements Relating to Custody, Access and Child Support, and Compliance

Non-MEP cases usually do not have child support court orders, because court orders are automatically registered at the MEP. In a small number of cases, parents decide by mutual consent to "opt out" of the MEP, so that their child support order is no longer monitored or enforced by the provincial government agency. In all of our non-MEP cases, the parents had an agreement in place for custody, access and child support, and no court order had been issued. Primary responsibility for the children was similar to the MEP cases: six cases were described as sole custody for the recipient parent, three were shared custody with the recipient parent's residence being the primary one, and one case was equally shared custody. Unlike the MEP cases (where 44 percent of cases had a set arrangement), all but one in the non-MEP sample had no formal arrangement for visitation and no regularly agreed upon visitation times.

The child support amounts that were agreed to ranged from $69 a month to $400 a month, with seven of the ten cases having amounts of $300 a month or less. This is similar to the MEP cases, in which about 70 percent of cases fell in that range. However, in the MEP cases, 25 percent were for more than $400 a month, so the non-MEP support amounts tended to be at the lower end.

In terms of compliance with those agreed upon amounts, eight of the ten paying parents always or almost always paid their support regularly and in full, and in no case was payment described in a way that would put it into the low compliance category used for the MEP cases. (In the MEP cases, 41 percent were fully or almost fully compliant, 37 percent were in the middle range, and 22 percent never paid or almost never paid support.) This difference is undoubtedly explained in part by the fact that recipient parents who were not receiving payments regularly always had the option to go to the MEP for help with enforcement, so cases not registered with the MEP are bound to be in large measure those in which support is received regularly. Still, it is of interest for policy makers because if there can be confidence that children whose parents have not registered with the MEP are receiving adequate support, it may indicate that current procedures for registering cases and allowing parents to "opt out" are reasonably effective. In almost all of the 10 cases here, the recipient parent reported that they had used the child support guidelines to decide on a figure for support. Assuming they used the guidelines correctly (which is supported by the fact that most of them consulted a lawyer at some point in the process), the support that recipient parents are receiving can also be considered in keeping with national standards.

In explaining why they believed their former partners paid the support regularly, the non-MEP respondents identified two primary reasons. First, all but one said that the paying parents were close to their children and wanted to make sure they had the things they needed. The one exception was a case in which the paying parent had no contact with the children or the recipient parent, but still never missed a payment. The second reason provided by most respondents was that they and their former partners knew about the MEP, and understood that if there were problems they could resort to enforcement. This second explanation was presented more as an aside in most cases, and not as an important motivator.

The non-MEP parents were asked why they chose not to register with the MEP, what they knew about the MEP, and whether or not they had considered registering. In all but one case, they

reported having known about the MEP, and having decided not to go that route because they were sure there would be no problem with receiving payments, provided their former partner had income with which to make the payments. With the one exception, they also said that they believed the MEP was an important service to have in place, that they knew people who relied on it to obtain support, and that it was good for themselves to know that they could use it if it became necessary. In fact, one of the respondents reported that since her support payments had stopped coming regularly in recent months, she had just registered with the MEP to get help with enforcement. The one exception referred to was a case in which the respondent had not known about the MEP and at the time of the interview was unsure what the MEP did. In any case, she was not concerned because she received support regularly.

Two respondents noted that they had initially considered using the MEP, but that their former partner had asked that it be handled privately and they had agreed. In one of those cases, the agreement was actually registered at the MEP for a short time, but was then withdrawn.

5.6.3 The Separation Process

As in the MEP cases, the decision to separate was usually described by the non-MEP respondents as the recipient parent's decision, with a smaller number described as a mutual decision. In one case, the recipient parent described it as the paying parent's decision. Overwhelmingly, in the non-MEP cases, there was no discussion at least initially about parenting. It was just assumed that the children would stay with the recipient parent, even if it was they who moved out of the family home. In only one case did the recipient parent say that issues were discussed and the parents agreed. In the MEP sample, two-thirds of cases were described this way. Also unlike the MEP sample, the non-MEP cases were all ultimately settled without resorting to the courts (except in one case when an undisputed divorce had to be formally decided in court). In the MEP sample, 31 percent of cases resulted in a court decision for at least some aspect of the separation.

The non-MEP cases differed substantially from the MEP cases also in regard to the decision about child support. Whereas the MEP cases frequently did not address the support issue at the time of separation, all but two of the non-MEP cases had what were described by the recipient parents as mutual decisions about child support at the time of separation. In only one case was there no support for the period just after separation. In the MEP cases, nearly half required court orders or had no child support for an extended period after the separation.

Despite that difference, and despite the much better payment records reported by these recipient parents, there is still considerable dissatisfaction among them about the support amount. Half of the respondents said they believed the amount should be higher, even taking into account their knowledge of their former partner's income.

5.6.4 Family Relationships

In considering why the non-MEP parents appear to have a positive compliance record compared to our MEP sample, it is worth looking at the nature of the parents' relationships, and the relationship between the paying parent and the children, to see if they show any differences from the MEP parents in the measures we used. One such measure is the frequency with which the children reside with the paying parent. In five of the non-MEP cases, the children resided part of every week with the paying parent, and in one other case they resided with the paying parent at least some time every month. This compares to 25 percent of MEP cases every week, and 22 percent more at some time every month. In terms of how frequently the children and the paying parent spent time together after the separation, half of the non-MEP paying parents reportedly spent some time every week with their children. Only one paying parent never saw the children. This compares to 29 percent of MEP parents who see their children every week, and 27 percent who never see them.

In one area the MEP and non-MEP cases are similar: in both types of cases the majority of paying parents are reportedly not involved significantly in essential elements of the children's care and upbringing, including school, medical and dental care. Paying parents' involvement in both cases is most typically geared toward outdoor activities and sports, or household entertainment such as watching movies or playing games.

The relationships between non-MEP parents is generally described in a more positive way than was the case with the MEP cases. In four of the ten cases, some social contact is reported, and in only two cases is there no contact at all. This compares to 17 percent and 42 percent respectively for the MEP cases. In half of the non-MEP cases, the relationship is described as friendly, and in two cases it is described as hostile. This is roughly the same breakdown as for the MEP sample.

These findings about the non-MEP parents provide a glimpse of what some of the characteristics of these cases might be. However, we have not attempted to draw inferences from them because of the small number of cases and because of the way that the sample was drawn. The benefits of having conducted these interviews is twofold. First, we have learned about some of the hurdles involved in identifying and locating a sample of cases for this population that will assist the Department of Justice Canada in planning future research with non-MEP cases. Second, we have found some specific differences in the characteristics of the small sample we used that will be worth investigating further with a larger and more random sample.

5.7 Summary of Interview Findings

This chapter of the report has presented the findings of the interviews with parents and professionals who work with separating parents in P.E.I. We have reported on the responses to a wide range of questions with potential relevance to compliance and non-compliance with child support orders and agreements. As well, we have linked those responses to the support payment records maintained at the MEP in the province. By doing so, we sought to test the broad premise that compliance and non-compliance with child support orders are influenced by factors beyond just ability to pay, relating more to willingness to pay. We also sought to identify those "willingness to pay" factors that appeared to be most strongly determinant, in themselves, of compliance or non-compliance. The key findings of the chapter are summarized below.

- Data from the interviews and case file data support the broad premise that "willingness to pay" factors can be an important influence on compliance. The data from our sample also indicate that "ability to pay" factors, such as annual income, employment stability and money management history, can also be important influences, although they are limited in their reliability in this study by the fact that the data were self-reported and without verification.

- The lawyers, judges, social workers, court workers and MEP officers interviewed, all of whom work directly on a daily basis with separating parents with children, supported this premise strongly, suggesting that "willingness to pay" issues are much more likely to influence compliance, given that child support obligations are determined on the basis of ability to pay.

- Recipients of child support who had difficulties with non-compliance by their former partners, when asked why they thought support was not paid, identified predominantly "willingness to pay" factors. On the other hand, paying parents explained missing payments primarily by "ability to pay" factors, although some also identified "willingness to pay" reasons.

- The nature of child support orders and agreements appear to be important factors in compliance. When a parenting arrangement includes shared residence with the children, compliance appears to be higher. If a formal arrangement is in place for visitation, compliance is marginally higher, but the amount of actual contact appears more important.

- When arrangements for parenting are made through an agreement rather than a court order, compliance is more likely. An important caveat to this finding is that when the immediate post-separation arrangements are made by an agreement, it is often an implicit one in which issues have not been discussed adequately or at all. It is often a case of one parent (usually the paying parent) leaving the family home without any substantial discussion between the parents about shared parenting or child support. In these cases, there is a greater risk of low compliance.

- Higher child support obligations are more likely to be met than lower support amounts. However, substantial numbers of paying parents with higher obligations still fall into the moderate or low compliance categories.

- When asked about satisfaction with their overall arrangements for parenting and for child support, many paying parents expressed dissatisfaction, but this dissatisfaction does not appear to be linked to non-compliance.

- Similarly, both paying parents and recipients had poor opinions of the legal system they encountered for separation and divorce, and both were frequently critical of the lawyers they had consulted (cost being a major area of contention). However, dissatisfaction with the legal system, and even an opinion that the system was biased in favour of mothers, did not appear to have a bearing on the decision to comply or not to comply with the child support order.

- Our ability to assess the quality of the pre-separation relationship between paying parents and their children was limited, but by the measures used the quality of that relationship did not appear to be an important factor in compliance.

- The post-separation relationship, however, did appear to be important. Paying parents who reside with their children some of the time, or at least see their children very regularly and often and participate in their care and essential activities, are more likely than others to comply with child support obligations.

- The fact that some parents had been married or living in common law, while others had had more casual relationships, did not appear to influence compliance. Some paying parents who had never seen their child and were no longer in touch with the recipient parent still paid regularly and in full, while many who had been married for years did not.

- Longstanding pre-separation relationships appeared to have results at the extremes, i.e. they were more likely than others to pay regularly and in full, but also more likely to have low compliance records.

- General characterizations of the post-separation relationship did not assist in predicting compliance. Relationships described as hostile or tense were as likely to be in compliance as those described as friendly.

- Access to the children by the paying parent and money issues, even though they were raised as problems in some cases, did not correlate to compliance or non-compliance. However, where child-rearing issues were raised (for example, disagreements as to what the children should or should not be allowed to do, or the kind of environment they were being brought up in), there was a clear link. Paying parents with strong concerns about the child-rearing practices of the recipient parent were more likely to be in default.

- The data showed a clear link between the amount of time that had passed since separation and compliance levels. As time since separation increases, compliance decreases. This factor is related to others reported above about the amount of time spent with the children by the paying parent. As well, the emergence of new relationships can have an impact. When the paying parent enters a new relationship, compliance tends to increase, whereas when the recipient enters a new relationship, compliance tends to decrease.

6. REVIEW OF THE EFFECTIVENESS OF THE RESEARCH STRATEGY

An important objective of the pilot research in P.E.I. was to assess the viability and cost-effectiveness of research strategies being considered for broad application across the country. It was recognized that circumstances in P.E.I. differ in a number of respects from those in other provinces and territories, particularly with regard to the size of the population (and therefore the MEP caseloads and the numbers of separating parents with children), but also to the nature of the population and the practices employed at the MEPs and, more generally, by the family law and social service agencies. Nevertheless, it is believed that sufficient similarities exist to be able to derive useful lessons from the P.E.I. experience.

In this section, we review each of the research elements employed in P.E.I., in order to assess the quality and usefulness of the information obtained, the cost factors to take into account, the sample size considerations that will likely influence decisions in larger provinces, and issues such as the burden placed on the local MEP and the logistics of conducting the research. The focus is on what took place in P.E.I., but reference is made to the likely implications in other provinces.[36]

6.1 MEP Case File Data Collection

Collection of data from the MEP information system in P.E.I. was intended primarily to capture data on the support payment records of paying parents, in order to develop useful categories of paying parents and then to analyze that information, both in aggregate and on a case by case basis in conjunction with demographic and interview derived information. The case files also contained other information, such as dates of birth, place of residence, age and gender of children, and basic information on the nature of the orders under which child support payments were being made. Information on employment and social service status was available in only some cases, and was not reliable in terms of timing. No income information was in the system.

In P.E.I., the size of the sample (500 cases, about 27 percent of all cases) and the projected cost and timing of extracting the information in an automated fashion meant that it was more practical to collect the information manually. That meant developing a data collection form, and going into several screens in the system for each case. As well, it was necessary in some cases to review hard file ledgers to obtain payment information prior to 1996. For the payment information, researchers had to total annual obligations and payments using a calculator, and determine for each month whether the obligation had been made. In most cases the latter was obvious, but in some cases payment adjustments had been made (for example if payments had been made directly to a recipient without the MEP's knowledge), and this required that payments be allocated fairly to the appropriate months in order to get an accurate count of payments made or missed.

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[36] The Department of Justice Canada has conducted a feasibility study that makes use of the P.E.I. experience and a review of circumstances in other provinces to develop recommendations for future child support compliance research. The application of the research methods in selected provinces is examined in more detail in that report.

While this was painstaking work, the sample size was such that it was not inordinately expensive. The information we obtained, particularly on payment records, was both critical to the research as a whole and valuable in itself in characterizing compliance in P.E.I.

The quality of the information, we believe, is high for several reasons. First, the collection process was based on a thorough assessment of the information in the system and close collaboration with MEP staff to ensure that researchers understood how to interpret both standard information and the anomalies that inevitably showed up. In a small but substantial number of cases (no count was kept, but a reasonable estimate would be 75 cases), some inquiry was necessary to ensure that we were interpreting the information correctly. Second, in a few of those cases it was determined that the payment record data required updating. As a result, all cases that showed similar characteristics were reviewed and updated as necessary. In the great majority of cases this meant only that the arrears figures would be more accurate. In some cases the records of monthly obligations paid was affected, most typically when a file should have been closed because a child was no longer living with the custodial parent or was no longer eligible for support and when the recipient had not contacted the MEP to inquire about missed obligations.

The data collection method did result in one limitation that may be alleviated by an automated approach. That is, that payments and obligations and numbers of missed payments were recorded on an annual basis instead of monthly. For most purposes this is not a problem, but it is not possible, for example, to produce a chart depicting the pattern of monthly payments in order to obtain a highly detailed breakdown of compliance patterns. However, this is beyond the immediate requirements of the current research, and should be considered only if the additional cost is minimal.

In retrospect, it would appear that collecting information from the MEP system on employment patterns and interaction with social services and employment insurance may not be cost-effective, except where the MEP information system is a more reliable source than it is in P.E.I. This information was collected routinely in the interviews with paying parents and recipients, and we believe this is a more reliable source.

Sample size for the case file data collection is only a significant issue when data extraction cannot be done automatically. There is no apparent reason why this research element could not include the full population of cases, with the possible exception of very large MEPs, where data file size might be beyond manageable limits (although this is unlikely).

The burden that this element of the research placed on local MEP staff was primarily at the outset, as researchers were helped to understand how the MEP operated and the information system functioned, and to make sense of the information itself. Once that was accomplished, all that was required was periodic verification of case-specific information.

6.2 Interviews with Professionals

The purpose of interviewing professionals who work in various capacities with separating and divorcing parents was to find out what aspects of the legal and social service systems might be influencing parents' decisions about child support and related matters, such as parenting and visitation. As well, we were interested in what they had to tell us about how their clients appeared to experience the legal process, and the process of separation itself, when children were involved. In P.E.I. we interviewed family law lawyers, judges, court-appointed mediators (who were also social workers assigned to conduct "home studies" to assist the court in deciding about custody arrangements), parenting educators, court workers with responsibilities related to child support, and Maintenance Enforcement staff.

This element of the research, in our view, was important to an understanding of how the legal system and related social services operate in P.E.I., and provided valuable insights into the factors that may be influencing parents' experiences, the attitudes they adopt and the decisions they make about child support. It was a very inexpensive aspect of the research, and well worth the investment.

In P.E.I. the number of interviews required was limited because of the size of the family law and social service communities. The cost of this aspect would increase in other jurisdictions, depending on a number of factors: the size and diversity of the population of relevant professionals; geographic factors and the potential differences that might be relevant, for example, between major urban, smaller urban and rural areas; and the extent to which a representative sample was desired.

On the latter point, the conclusion drawn from the P.E.I. research is that a representative sample is not necessary. What is required is a sufficient number of interviews with a wide enough range of types of professionals to ensure an understanding of the systems and procedures that parents are faced with and the services that are available to them. As well, it is important to include a sufficient number of interviews to enable researchers to obtain a diversity of perspectives. The object is to gain insight into systemic and other local factors that might influence parents' attitudes and actions relating to child support (the opinions of individual professionals about what factors might be most important, while of interest, are not critical). We rely primarily on the parents themselves to provide that information.

6.3 Interviews with Parents Registered with the MEP

A primary impetus for the research in P.E.I. was to explore the range of factors that could be influencing compliance and non-compliance with child support orders and agreements. While we recognized that income and employment factors were important, we were also interested in pursuing other possibilities related more to "willingness to pay" as opposed to "ability to pay". The research in P.E.I. presented an opportunity to link two critical sources of information: the child support payment records of paying parents in the province; and the parents themselves. Lengthy and detailed interviews were conducted with 130 parents, including 51 non-custodial parents (usually fathers) and 79 custodial parents (usually mothers). In 31 cases, we were able to interview both parents from a separation with children. The interviews addressed a wide range of issues, following the families from the time they were together, through the separation process

and the legal and other interventions that took place, to the present. Twenty of the interviews were conducted in person in P.E.I., and the remainder were conducted by telephone.

This element of the research was the most expensive. It required substantial work at the outset to establish a representative sampling strategy and to draw the initial sample. Effort from the researchers and the MEP Director and staff was required to develop and send letters to potential respondents describing the study and requesting their participation. Development of the interview guide involved the combined efforts of two members of the research team and a number of Department of Justice Canada research officers for an extended period. The interviews took between one hour and two and a half hours to complete, with some post-interview tidying up of notes as well. Also, for many respondents it was necessary to conduct a search for a current telephone number. As it turned out, a second sample and a second wave of introductory letters were required because we were unable to obtain sufficient numbers of interviews from the first wave. A number of factors contributed to that problem, including the timing (the first wave of interviews was conducted in the summer), the large number of people who could not be reached at the address or telephone number known to the MEP, and a smaller number who declined to participate or who agreed but were then never available for the interview.

Once the interviews were completed, a coding scheme had to be developed for the large number of variables (questions and sub-questions) in the interviews, and the responses for each interview had to be coded and entered into a statistical program (SPSS) for analysis. In addition, responses to many of the questions were analyzed qualitatively because the specific wording of the responses was viewed as being important in understanding the point of view parents were expressing, as well as their attitudes and the sources of those attitudes.

The fact that this element is very labour-intensive is moderated by two considerations. First, the P.E.I. research has laid the groundwork for much of what would be required in other jurisdictions. The interview guides will undoubtedly be modified somewhat based on what we have learned, but the work on those would be substantially reduced. To the extent that the interview guides resemble those used in P.E.I., the coding scheme would be similar. We learned valuable lessons about techniques for locating respondents which would contribute in other jurisdictions. The approach of sending introductory letters appears to have worked well, and a similar approach would likely be appropriate in most jurisdictions.[37] Experience in conducting the interviews and analyzing the results will certainly result in some efficiencies in subsequent studies.

The second consideration is that the interviews, as a research tool, are so critical to the primary purpose of the research. Simply put, there is no other comparable source of information from which to examine the full range of factors influencing compliance. There are certainly limitations to the interviews. We recognize that in some cases the responses obtained may not be accurate, and that some respondents may attempt to use the interview for purposes contrary to ours. We also recognize that our interpretations of the responses will reflect, to some extent, biases of the researchers. Nonetheless, this element of the research was intended to be

[37] We know, however, that we will have to take greater care to identify those respondents whose address in the MEP system was in another MEP in another jurisdiction. This led to some confusion in a few cases.

exploratory. There is little similar research available in Canada or elsewhere, and the questions we are attempting to answer are complex and may well involve a variety of interdependent factors which may at times be contradictory. Thus, as an early step in trying to understand why some paying parents pay child support in full and others don't, the interviews with parents have been essential. As we have seen in the previous chapter, they have provided us with many insights and have helped to support some of the observations derived from other sources. It would not be possible, without this research tool, to pursue the broad question of why people comply or don't comply.

However, there are several decisions to be made that can influence the approach taken and the cost involved. The first is whether in-person or telephone interviews are the most cost-effective approach. The conclusion from the P.E.I. experience is that respondents reached by telephone were just as open and willing to talk to us as those approached in person. In a very few cases, prospective respondents said they would not conduct the interview by telephone but said they would have in person. So, there may have been some impact on the sample itself (but very minor), but there did not appear to be an impact in terms of either the depth of information obtained or the quality and nature of the responses to specific questions. One benefit that did derive from the in-person interviews was that it allowed the researchers to gain some insight into the circumstances in which the respondents were living, and it is possible that this influenced the interpretation of responses to some extent.

Another consideration is the sample size required to obtain a sufficient degree of representativeness. Especially in large provinces with a great geographic and cultural diversity of communities, a larger number of interviews would be needed than were conducted in P.E.I. if there was an interest in being able to report on findings at the provincial level. If all that is required is reporting at an aggregate level, and if at least four or five provinces participate, the sample sizes would not have to be substantially larger than the 130 parents interviewed in P.E.I. The cost of individual telephone interviews is not prohibitive.

6.4 Interviews with Parents not Registered with the MEP

This element of the research was included to account for the fact that some, and perhaps many, separating parents never register their child support agreements with the courts or the MEP. There was an interest in finding out whether such non-MEP cases had any tendencies related to compliance and the factors we have been investigating that might differ from MEP cases. It was added after the start of the research, and was intended as a small-scale first step in examining such cases. Names of non-MEP parents were requested from lawyers being interviewed in P.E.I. No attempt was made to randomize the selection of cases. Our hope was to interview about 40 parents, but ultimately only 10 names were provided that resulted in interviews, and these were all with recipient mothers. The low number resulted in part from the difficulty lawyers had in finding appropriate cases in their recent files, and in part because some of the parents referred to us could not be contacted.

This initial effort in P.E.I. made it clear that a more systematic and intensive procedure will be needed to pursue this line of research further. One potential source of non-MEP names is the MEPs themselves, because (at least in some provinces) parents leave the enforcement program and self-regulate their agreements. These cases would have had some contact with the legal

system and the MEP, but would not necessarily have had any history of payments through their local MEP.

Another potential source are Family Court records. These, like the MEP sources, would not include cases with no involvement with the legal system at all, but in many cases the involvement could be minimal (for example, formal court approval of a separation or divorce agreement between the parents). The difficulty with court records as a source is that in many jurisdictions they are not computerized, or are not automated in such a way as to make the retrieval of information for research purposes easy. The cost of using court records would likely be high, and there might well be difficulties in maintaining randomness in the selection of cases.

A third potential source are surveys conducted by the Canadian Centre for Justice Statistics or by the Department of Justice Canada that identify separated and divorced parents and have some information on parenting arrangements. To use such sources, the permission of respondents would need to be requested at the time of the original survey, in order for them to be contacted for follow-up research.

6.5 Conclusions Regarding the Research Strategy

An important purpose of the P.E.I. research was to test research methods for the analysis of factors influencing child support compliance as a basis for moving ahead with a larger research project in other provinces. The central elements of the child support compliance research strategy were to use the MEP databases to identify categories of paying parents according to how regularly and fully they comply with child support orders and agreements, and to relate support payment records to information obtained from interviews with paying parents and recipients. With these elements, it was hoped that we would be able to examine the relationships between compliance and a range of factors with potential to influence paying parents' willingness to pay child support. Interviews with professionals who work with separating parents with children were included to ensure that we understood the legal system and related government-based services that many separating parents encounter. We also wanted to obtain the views of those professionals about the factors influencing compliance, as a way to support and help explain findings from the parent interviews.

It is fair to say that the central elements of the strategy have proven effective, in that the methods we used provided us with the type of information we required at an acceptable cost. We have noted throughout the report that a larger sample of interviews would provide us with a greater ability to determine the strength of some of the relationships we have identified. As well, a larger number of interviews would enable us to examine some of the interactions among the factors we have analyzed, to provide a more complex picture of how paying parents make decisions about paying child support, and perhaps to provide us with some "paying parent profiles" that combine payment records and influencing factors. Finally, we have learned much about the logistics of undertaking this research, and have recognized the need for some modifications in the approach, such as certain changes to the parent interview guides and obtaining the MEP case file data in an automated fashion. However, the methods on the whole appear to be sound and would be reproducible on a larger scale in other provinces.

The interviews with professionals proved useful, but are not viewed as critical to the central question of what factors influence compliance and how. Also, it is not clear from the P.E.I. experience whether it would be necessary to interview a sizeable sample of professionals in all jurisdictions in order to be aware of the importance of different operating environments. Nor is it clear whether operational criteria would be more useful in selecting the sample of professionals. For example, it might be adequate to include in a larger sample some professionals operating in a unified family court and some in the traditional superior/provincial court model, some in major urban centres and some in smaller centres, and some in locations where mediation, parenting education and other services are widely available or even mandatory and others where such services are not readily available. We can conclude that some professional interviews should be included in future research, but that they need not be budgeted for all jurisdictions, at least until a more modest approach based on operational criteria is tested.

It is also the conclusion of the review of the research strategy in P.E.I. that research involving non-MEP parents should not be viewed as a core element of the strategy, but that if sufficient resources are available, consideration should be given to one or more of the suggested alternative approaches in one jurisdiction. The purpose would be to make some progress in an area recognized as important because of the large number of potential families affected, but without taking the focus of this project away from the MEP-based approach, where we know that quality information is accessible.

7. CONCLUSIONS

The objectives of the P.E.I. project were to identify factors in the lives of paying parents and their former partners and children that appear to influence compliance, and to draw on the experience in P.E.I. to plan further research in other provinces across the country. We recognized that this initial research represented an early step in an attempt to identify factors that influence compliance and non-compliance. There was, however, a presumption—based on existing literature on compliance patterns and the attitudes of parents obliged to pay child support—that factors related to a willingness to pay child support (as opposed to ability to pay) were important in understanding compliance, and the research focussed on these kinds of factors primarily. We hoped that the information from P.E.I. would shed some light on these "willingness" factors, help to identify factors or groups of factors that are more strongly determinant than others, and help to guide the direction of future research, both by identifying the most relevant factors and by suggesting methodological improvements.

Our findings on patterns of compliance and default indicate that while the P.E.I. MEP has succeeded in collecting nearly 75 percent of overall child support obligations in our sample of cases, about 75 percent of paying parents do not pay support regularly and in full, and about 42 percent frequently fail to make full payments. This suggests that while circumstances have improved markedly in P.E.I. from the time prior to the establishment of the MEP (when child support payment was reportedly as low as 25 percent of overall support by some estimates), there is still considerable opportunity for improvement, not only in enforcement but potentially in other policy and program areas that could influence compliance.

In the area of enforcement, we determined that it was not possible from an analysis of MEP case file data alone to assess the effectiveness of the various enforcement actions that are used, or to assess their relative effectiveness in various given circumstances. Data that are recorded on enforcement actions taken cannot be linked in a meaningful way to payment records, and it is apparent from our review of procedures and the case files in P.E.I. that it would be a mistake to assume a direct relationship between individual enforcement actions and payments against defaults. The motivations for payments on defaulted accounts may in many cases be combinations of factors. Even if a particular enforcement action appears to have resulted in payment, it may not have been as effective if other measures had not also been in place. As well, there may always be circumstances unknown to the MEP office that change coincidentally with an enforcement action. We have concluded that a case study approach involving a more detailed review of a sample of cases would be necessary to assess the effectiveness of enforcement approaches.

By linking data on support payment patterns with information gleaned from detailed interviews with parents, we have been able to investigate a range of factors that we believed, based on previous research, might influence compliance. Interviews with lawyers, judges, court workers, social workers and MEP officers who work with separating parents in P.E.I. helped us to understand some of the circumstances in which compliance decisions were made, and provided some insights to help us interpret the findings from the interviews with parents.

Our research supports the underlying premise of the study, that while ability to pay can often be an important factor in determining compliance, factors relating to "willingness to pay" child support can also be influential. Linking income and employment information with payment records indicates that while those "ability to pay" factors may certainly play a role, substantial numbers of default situations do not appear to be explained by those factors. While the paying parents we interviewed did not typically make clear statements to the effect that they chose not to pay their support obligations, our data suggest that some "willingness to pay" factors give rise to either higher compliance rates or lower ones, depending on the nature of the factor. These tendencies in the data are supported by commentary by many of the paying parents, by the views of the recipient parents, and by the views of the professionals we interviewed who work with separating parents.

While the P.E.I. research was largely exploratory and did not attempt to test specific hypotheses about "willingness to pay" factors, we did begin the study with some presumptions, based on previous research, about the kinds of factors that might influence compliance. Some of these presumptions are borne out by the data, while others are not. We have also seen that the numbers of interviews in P.E.I., when broken down between paying and recipient parents, and viewed in the context of the interrelatedness of many of the factors examined, limit our ability to make inferences about the strength of some of the relationships between compliance and some potentially determining factors. It was understood in advance of the research that the P.E.I. data would be limited in this way. The intention was to learn what we could from the P.E.I. research, as a basis for proceeding with similar research in other provinces.

In reporting our research findings, the emphasis is on the actions of the paying parents in terms of their compliance with child support obligations. However, the influencing factors themselves are identified and described through the responses of both paying parents and recipients. In some cases the perspective of the paying parent is of primary interest because we see that as most likely to influence support payment behaviour. In other cases an effort has been made to describe the nature of specific circumstances (such as parenting arrangements) and relationships using both sets of responses.

One of the presumptions we made at the outset was that the type of post-separation living arrangement in place could influence compliance, and that cases in which the children resided with both parents on a regular basis (or at least spent a lot of time with both parents) would exhibit higher compliance than other cases. While the living arrangement was by no means an absolute predictor of compliance, it was apparent from the data that shared residence with the children increases the likelihood of compliance with child support. The formal arrangement in place is less important than the amount of actual contact between the paying parent and the children.

We have also seen that there is a tendency for the amount of time that paying parents spend with their children to diminish as time passes after separation, and that compliance rates also diminish. That relationship is not a simple one, of course. The parents often enter new relationships that can influence the paying parents' views of their obligation to the children of the original family. Our data indicated that when the recipient parent entered a new relationship, compliance tended to diminish. We know from previous research that when the paying parent

enters a new relationship, and especially when there are children in the new relationship, there are pressures to direct resources to that new family. In our sample, however, paying parents who had entered a new relationship were more likely to be paying their child support. Also, as the children grow older there is a natural tendency for both parents to spend less time with them, because they become increasingly independent. In that sense, reduced time spent by the paying parent cannot be understood necessarily as diminished interest, and other reasons would have to be considered to explain a reduction in financial support.

We made the presumption that the process of separation, and parents' experiences with the legal system, might give rise to views about the fairness of the arrangements that were established, and might therefore influence compliance. We supposed that if the paying parent found the process fair and was reasonably satisfied with the arrangements for parenting and child support, a high rate of compliance would likely follow provided there was no major disruption to income. What we found was that while the process itself appears to be important in certain respects, the degree of satisfaction with parenting arrangements and with child support obligations do not appear to influence compliance.

Generally speaking, when the process involved the parents reaching an agreement between themselves, rather than requiring a court order for any of the parenting aspects of the separation, compliance was more likely. However, when the agreement was reached in the immediate post-separation period without the benefit of advice from a lawyer or mediator, and no subsequent action was taken through the courts, it often led to low compliance later on. A common circumstance described to us was that one parent (almost always the father) would leave the family home without the parents having discussed issues of parenting and child support. It was simply assumed that the recipient parent would keep the children, and that the paying parent would see the children at some unspecified times when work schedules and other considerations allowed. In many cases child support was not forthcoming for an extended period after separation. In some cases such a loose arrangement would actually be agreed to explicitly, while in other cases it was deemed to be an agreement because it was a *de facto* arrangement and no action had been taken by either party to demonstrate disagreement. The post-separation parenting arrangement and how that arrangement is arrived at appear to be important factors in many cases.

Level of satisfaction on the part of the paying parent does not appear to be a determining factor in compliance. In fact, we found widespread dissatisfaction among paying parents with the parenting arrangements, with child support and with their experiences with the legal system, but these views were just as likely (and in some cases more likely) to be held by people who paid support regularly as by people in default. Issues such as the amount of child support required and access to the children, often cited in research findings and especially in the popular media as problem areas that can influence compliance, did not appear in our sample in P.E.I. to be relevant in most cases to compliance, even though they were raised as areas of disagreement by some.

The theme of "I don't mind supporting my child but..." revealed a widespread suspicion that the children do not derive the full benefit of the payments made. Either because paying parents do not trust their former partners to manage the money properly or have the children's interests at

heart, or because they underestimate the cost of raising children, the sense that they are supporting the ex-partner rather than the children seems to be a common perception and a source of reluctance to pay support, whether or not child support is ultimately paid.

The one area of disagreement between parents that did show a tendency to influence compliance was child-rearing. A number of paying parents expressed concern about the way their children were being raised by the recipient parent, and frustration at having to provide financial support to foster what they viewed as an unhealthy lifestyle. At times, moral or religious issues caused disagreement. In other cases, it had more to do with children not being properly looked after, or being left too frequently with friends or extended family "while she's out partying or playing bingo." In these cases the perspective of the recipient parents was of two types: either the paying parent was trying to control the lives of the recipient parent and the children and was angry that it was not possible to do so, or there was indeed disagreement over some aspects of how to raise the children (most frequently over the degree of discipline necessary), in many cases a dispute that had been going on while the parents were together as a family. Whatever the grounds and however valid, when child-rearing was a source of disagreement, compliance was frequently negatively affected.

Another presumption that we tested in the P.E.I. research was that the quality of the relationship between the parents, both before and after separation, influenced compliance. In relation to the pre-separation relationship, this might mean that a longstanding marriage or common-law relationship would be more likely to show compliance than a short-term or more casual relationship. For the post-separation relationship, the presumption was that in cases when the parents maintained a reasonably friendly relationship or at least were not hostile toward each other, compliance would tend to be higher than in cases when the relationship was very problematic.

Neither of these presumptions was borne out by the P.E.I. data. Relationships described as more casual, including ones in which the couple never resided together, were just as likely to be in compliance as those involving marriage or common-law relationships. Even some paying parents who had never seen their children and were no longer in touch with the recipient parent paid regularly and in full. Longstanding relationships showed results at both extremes: a greater likelihood of high compliance and a greater likelihood of low compliance.

In situations when the parents said they maintained some social contact after separation (in addition to contact regarding the children), paying parents were substantially less likely to comply with child support obligations than those in situations when the parents had little or no personal relationship with their former partner. General characterizations of the relationship (friendly, tense, hostile) appeared to have no predictive power for compliance.

Having examined a range of factors that have been reported in previous research to be related to child support compliance, we found that several types of factors appear, in P.E.I., to be particularly important. These are:

- whether or not the children live with the paying parent on a regular, frequent basis;
- whether or not the paying parent frequently spends time with the children;

- the extent to which the paying parent is actively involved in the care of the children and in essential activities such as schooling, health matters and structured recreational activities;

- whether parenting arrangements and child support were decided upon through an agreement between the parents or by a court order;

- whether post-separation parenting arrangements resulted from a full discussion between the parents (with or without assistance from lawyers or mediators), or were simply the result of one parent leaving the family home with no explicit decisions being made;

- whether or not the paying parent expressed disagreement about the way the children were being raised; and

- the amount of time that had passed since the separation and the intervention of new relationships for either parent.

In the current study, these factors were discussed in the context of their possible interrelatedness, but it was not possible, because of the number of interviews we had to work with, to conduct a more complex analysis of the relative strength of some of the relationships, and how these factors may interact at any given time and as time passes. The goal of the compliance research project, of which the P.E.I. study was a first step, will be to explore these factors in more depth to see how they interrelate. To the extent possible, the research in other provinces will seek to identify some profiles of paying parents that incorporate their compliance records and sets of factors that appear to work together to influence compliance.

We have succeeded, as a first step, in supporting the general view that compliance with child support is often a decision rather than a question of ability to pay, and in highlighting some factors that appear to be most influential in the decision that paying parents make about whether or not to comply with their child support obligations.

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APPENDIX: MEP-P.E.I. DATA COLLECTION SHEET

1. Project ID: _____ 2. MEP case #: _____

3. DOB **payor:** ____/____/____ (m/d/y) 4. DOB **recipient**: ____/____/____

5. Sex **payor**: M / F 6. Sex recipient M / F

7. Date file opened: ____/____/____ 8. REMO status: non out in

9. Location **payor:** _____ DK 10. Location **recipient** _____ DK

11. Amount of original order: $_____ 12. Amount of current order: $_____

13. Date of original order: ____/____/____ 14. Date of current order: ____/____/____

15. Source of current order:

1. Divorce Act 2. Prov leg. 3. Sep. agreement 4. Other _____

16. Type of order: 1. Final 2. Interim

17. Variations: None

1.	UP / Down	Reason:	_____	Date: ____/____/____
2.	UP / Down	Reason:	_____	Date: ____/____/____
3.	UP / Down	Reason:	_____	Date: ____/____/____
4.	UP / Down	Reason:	_____	Date: ____/____/____

Reasons:
1. Change in number of children
2. Change in income circumstances
3. Change resulting from support guidelines
4. Change in tax responsibility (fed legislation)
5. Other (indicate reason)
6. Don't know

18. Income source **payor**: Current: Employment / E.I . / S.A. / DK

Seasonal / F-T / P-T / DK

Ever: Employment / E.I. / S.A. / DK

19. Income source **recipient**: Current: Employment / E.I. / S.A. / DK

Seasonal / F-T / P-T / DK

Ever: Employment / E.I. / S.A. / DK
(Multiple)

20. Primary current payment method:

1. Wage attachment
2. Cheque to MEP
3. Direct to recipient
4. FOAEA intercept
5. GAPDA garnishment
6. Cash to MEP
7. No current payments

21. Current age of children:

1. _____
2. _____
3. _____
4. _____
5. _____

22. Payment Record

Year	# of mths	# pay missed	Total obl	Total paved
1999	_____	_____	$_____	$_____
1998	_____	_____	$_____	$_____
1997	_____	_____	$_____	$_____
1996	_____	_____	$_____	$_____
1995	_____	_____	$_____	$_____
1994	_____	_____	$_____	$_____
1993	_____	_____	$_____	$_____
1992	_____	_____	$_____	$_____
1991	_____	_____	$_____	$_____
1990	_____	_____	$_____	$_____

23. Date of last payment ____/____/____

24. Arrears

At entry into program $_____

Current $_____

25. Enforcement

	Activity	Date	Resolution (Reg. Pay)	Resolution (Arrears)	Date
6.	_____	___/___/___	_____	_____	___/___/___
7.	_____	___/___/___	_____	_____	___/___/___
8.	_____	___/___/___	_____	_____	___/___/___
9.	_____	___/___/___	_____	_____	___/___/___
10.	_____	___/___/___	_____	_____	___/___/___
11.	_____	___/___/___	_____	_____	___/___/___
12.	_____	___/___/___	_____	_____	___/___/___
13.	_____	___/___/___	_____	_____	___/___/___
14.	_____	___/___/___	_____	_____	___/___/___
15.	_____	___/___/___	_____	_____	___/___/___

Enforcement activities:

1. FOAEA interception
2. default hearing
3. default meeting
4. motor vehicle intervention
5. order for arrest
6. warrant for arrest
7. order for sale of assets
8. judgement/execution
9. GAPDA (sal/pension)
10. federal license suspension
11. federal trace
12. Prov trace
13. remo out
14. collection agency

Resolution (regular payments):

1. no resumption of payment of current obligation (within 3 months of action)
2. temporary resumption of payment (resumption, but lasted less than 6 months)
3. resumption of payment (6 months or more)
4. don't know

Resolution (arrears):

1. income tax refund
2. one-time GST payment
3. retrieval of assets